

**PROPOSED RE-DRAFT OF VICTIM RIGHTS' PROVISIONS  
PER H.95 AS PASSED BY HOUSE**

Sec. 3. 33 V.S.A. § 5234 is amended to read:

§ 5234 RIGHTS OF VICTIMS IN DELINQUENCY PROCEEDINGS INVOLVING A LISTED CRIME

- (a) The victim in a delinquency proceeding involving a listed crime shall have the following rights:
- (1) To be notified by the prosecutor's office in a timely manner:
    - (A) when a delinquency petition has been filed, the name of the child, and any conditions of release initially ordered for the child or modified by the Court that are materially related to the victim or intended to protect the safety of the victim or a member of the victim's family or current household;
    - (B) his or her rights as provided by law, information regarding how a case proceeds through a delinquency proceeding, the confidential nature of delinquency proceedings, and that is unlawful to disclose confidential information concerning the proceedings;
    - (C) when a predispositional or dispositional court proceeding is scheduled to take place and when a court proceeding of which he or she has been notified will not take place as scheduled; and
    - (D) whether delinquency has been found and disposition has occurred, including as well as any conditions of release or conditions of probation that are materially related to the victim or intended to protect the safety of the victim or a member of the victim's family or current household and any restitution ~~relevant to the victim, when~~ ordered;
  - (2) To file with the Court a written or recorded statement of the impact of the delinquent act on the victim and the need to restitution;
  - (3) To attend the disposition hearing and to present a victim's-impact statement, including a statement why restitution may be appropriate testimony in support of his or her claim for restitution pursuant to 33 V.S.A. § 5235, at the disposition hearing and to be notified as to the disposition, including probation. The Court shall consider the victim's statement when ordering disposition;
  - (4) Upon request, to be notified by the agency having custody of the delinquent child before he or she is discharged from a secure or staff-secured residential facility. The name of the facility shall not be disclosed. An agency's inability to give notification shall not preclude release. However, in such an event, the agency shall take reasonable steps to give notification of the release as soon thereafter as practicable. Notification efforts shall be deemed reasonable if the agency attempts to contact the victim at the address or telephone number provided to the agency in the request for notification.
- (b) The prosecutor's office shall keep the victim informed and consult with the victim through the delinquency proceedings.

Sec. 4. 33 V.S.A. § 5234a is added to read:

§ 5234a. RIGHTS OF VICTIMS IN DELINQUENCY PROCEEDINGS INVOLVING A NONLISTED CRIME

The victim in a delinquency proceeding ~~based on an act that is not a listed crime~~ involving a non-listed crime shall have the following rights:

- (1) To be notified by the prosecutor's office in a timely manner:
  - (A) ~~To be notified promptly by the Court when~~ when a delinquency petition has been filed, and any conditions of release are initially ordered for the child or modified by the Court and shall be notified promptly of the identity of the child when the conditions of release that relate to the victim or a member of the victim's family or current household. Victims are entitled only to information contained in the conditions of release that pertain to the victim or a member of the victim's family or current household. Notification regarding conditions of release or conditions of probation shall include the child's name.
  - (B) ~~To be notified by the Court of his or her rights as provided by law, information regarding how a case proceeds through a delinquency proceeding, and his or her responsibilities regarding the confidential nature of delinquency proceedings, and that is unlawful to disclose confidential information concerning the proceedings;~~
  - (C) When a dispositional court proceeding is scheduled to take place and when a court proceeding of which he or she has been notified will not take place as scheduled;
  - (D) ~~To be present at~~
  - (E) ~~To be allowed not to be personally present at any portion of the disposition hearing except to present the impact statement unless authorized by the Court.~~
  - (F) To be informed notified by the Court after the adjudication of delinquency has been made of as to the disposition of the case, whether that delinquency has been found and disposition has occurred, including as well as any conditions of release or conditions of probation that are materially related to the victim or intended to protect the safety of the victim or a member of the victim's family or current household and any restitution relevant to the victim, when ordered.
  - (G)
  - (H) ~~Upon request of the victim, the Court may release to the victim the identity of the child if the Court finds that release of the child's identity to the victim is in the best interests of both the child and the victim. Disposition in the case shall include whether the child was placed on probation and information regarding conditions of probation relevant to the victim.~~
- (2) To file with the Court a written or recorded statement regarding the impact of the delinquent act on the victim and the need for restitution;
- (3) To attend the disposition hearing for the solely for the purpose of presenting to the Court the impact of the delinquent act on the victim a victim impact statement, including testimony in support of his or her claim for restitution pursuant to 33 V.S.A. § 5235, and the need for restitution. The victim shall not be personally present at any portion of the disposition hearing except to present a victim impact statement or to testify in support of his or her claim for restitution unless the Court finds that the victim's presence is necessary in the interest of justice.
- (4) To have the Court consider his or her views when ordering disposition. If the victim is not present, the Court shall consider whether the victim has expressed, either orally or in writing, views regarding disposition and shall take those views into account when ordering

disposition. Upon request of the victim, The Court may release to the victim the identity of the child shall order that the victim be notified as to the identity of the child upon disposition if the Court finds that release of the child's identity to the victim is in the best interests of both the child and serves the interests of justice. the victim.

- (5) The prosecutor's office shall keep the victim informed and consult with the victim through the delinquency proceedings.

ADDITIONAL REQUESTED LANGUAGE:

33 V.S.A. § 5102 shall be amended as follows:

(28) For purposes of this chapter, "victim" shall have the same meaning as in 13 V.S.A. § 5301(4).

(29) (28) "Youth" shall mean a person who is the subject of a motion for youthful offender status or who has been granted youthful offender status.