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H.617

Introduced by Representative Hashim of Dummerston

Referred to Committee on

Date:

Subject: Crimes; domestic assault; violation of an abuse prevention order

Statement of purpose of bill as introduced: This bill proposes to require that if a person is adjudicated as a youthful offender for violating a protective order, the offender must participate in domestic abuse counseling or a domestic abuse prevention program as part of his or her disposition case plan and conditions of juvenile probation.

An act relating to a violation of a protective order by a youthful offender

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 1030 is amended to read:

§ 1030. VIOLATION OF AN ABUSE PREVENTION ORDER, AN ORDER
AGAINST STALKING OR SEXUAL ASSAULT, OR A
PROTECTIVE ORDER CONCERNING CONTACT WITH A
CHILD

(a) A person who intentionally commits an act prohibited by a court or who fails to perform an act ordered by a court, in violation of an abuse prevention order issued under 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69, a protective

1 order that concerns contact with a child and is issued under 33 V.S.A.
2 chapter 51, or an order against stalking or sexual assault issued under
3 12 V.S.A. chapter 178, after the person has been served notice of the contents
4 of the order as provided in those chapters; or in violation of a foreign abuse
5 prevention order or an order against stalking or sexual assault issued by a court
6 in any other state, federally recognized Indian tribe, territory or possession of
7 the United States, the Commonwealth of Puerto Rico, or the District of
8 Columbia shall be imprisoned not more than one year or fined not more than
9 \$5,000.00, or both.

10 (b) A person who is convicted of a second or subsequent offense under this
11 section or is convicted of an offense under this section and has previously been
12 convicted of domestic assault under section 1042 of this title, first degree
13 aggravated domestic assault under section 1043 of this title, or second degree
14 aggravated domestic assault under section 1044 of this title shall be imprisoned
15 not more than three years or fined not more than \$25,000.00, or both.

16 (c) Upon conviction under this section for a violation of an order issued
17 under 15 V.S.A. chapter 21, the court shall, unless the circumstances indicate
18 that it is not appropriate or not available, order the defendant to participate in
19 domestic abuse counseling or a domestic abuse prevention program approved
20 by the Department of Corrections. The defendant may at any time request the
21 court to approve an alternative program. The defendant shall pay all or part of

1 the costs of the counseling or program unless the court finds that the defendant
2 is unable to do so. If the defendant has been adjudicated a youthful offender,
3 the requirement to participate in domestic abuse counseling or a domestic
4 abuse prevention program shall be included in an offender's disposition case
5 plan and conditions of juvenile probation.

6 (d) Upon conviction for a violation of an order issued under 12 V.S.A.
7 chapter 178, the court may order the defendant to participate in mental health
8 counseling or sex offender treatment approved by the Department of
9 Corrections. The defendant shall pay all or part of the costs of the counseling
10 unless the court finds that the defendant is unable to do so.

11 (e) Nothing in this section shall be construed to diminish the inherent
12 authority of the courts to enforce their lawful orders through contempt
13 proceedings.

14 (f) Prosecution for violation of an abuse prevention order or an order
15 against stalking or sexual assault shall not bar prosecution for any other crime,
16 including any crime that may have been committed at the time of the violation
17 of the order.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on passage.