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H.652

Introduced by Representative Sullivan of Dorset

Referred to Committee on

Date:

Subject: Crime victims; domestic violence; domestic pets

Statement of purpose of bill as introduced: This bill proposes to allow compensation for expenses relating to relocation for victims of domestic violence and their dependents and domestic pets.

An act relating to victim compensation for relocation expenses

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

Sec. 1. 13 V.S.A. § 5351 is amended to read:

§ 5351. DEFINITIONS

As used in this chapter:

(1) “Board” means the Victims Compensation Board established under this chapter.

(2) “Dependent” means the victim’s spouse, or a person who is legally dependent for support upon a victim, or the victim’s domestic pet, as defined in 20 V.S.A. § 3541.

1 (3) “Crime” includes delinquent acts and an act of terrorism, as defined
2 in 18 U.S.C. § 2331, committed outside the United States against a resident of
3 this State.

4 (4) “Injury” means actual bodily harm or pregnancy, or emotional harm
5 resulting from the crime.

6 (5) “Pecuniary loss” means, in the case of a victim, the amount of
7 medical or medically related expenses, loss of wages, relocation expenses, and
8 any other expenses that the Board feels became necessary as a direct result of
9 the crime. Medical or medically related expenses may include, but are not
10 limited to, the costs of individual or family psychological, psychiatric, or
11 mental health counseling and the costs of replacing or repairing eyeglasses,
12 hearing aids, dentures, or any prosthetic devices that were taken, lost, or
13 destroyed during the commission of the crime. In the case of a dependent,
14 “pecuniary loss” means the cost of psychological, psychiatric, or mental health
15 counseling, funeral expenses for the victim, and, upon demonstration of
16 financial hardship, temporary living expenses, including temporary pet
17 boarding expenses or pet-related relocation expenses for victims of domestic
18 violence.

19 (6) “Unreimbursed pecuniary loss” means a pecuniary loss:

20 (A) that is not covered by medical, hospitalization, or disability
21 insurance or workers’ compensation; and

1 (B) that has not been ordered by the court to be restored to the victim
2 or dependent by the person who caused the loss; or

3 (C) that has been ordered by the court to be restored to the victim or
4 dependent but has not been paid by the person who caused the loss.

5 (7) “Victim” means:

6 (A) a person who sustains injury or death as a direct result of the
7 commission or attempted commission of a crime; or

8 (B) an intervenor who is injured or killed in an attempt to assist the
9 person described in subdivision (A) of this subdivision (7) or the police; or

10 (C) a surviving immediate family member of a homicide victim,
11 including a spouse, domestic partner, parent, sibling, child, grandparent, or
12 other survivor who may suffer severe emotional harm as a result of the
13 victim’s death as determined on a case-by-case basis in the discretion of the
14 Board; or

15 (D) a resident of this State who is injured or killed as the result of a
16 crime committed outside the United States.

17 (8) “Profits from crimes” means:

18 (A) any property obtained through or income generated from the
19 commission of a crime in which the defendant was convicted;

1 (B) any property obtained by or income generated from the sale,
2 conversion, or exchange of proceeds of a crime, including any gain realized by
3 such sale, conversion, or exchange;

4 (C) any property that the defendant obtained or any income generated
5 as a result of having committed the crime, including any assets obtained
6 through the use of unique knowledge acquired during the commission of or in
7 preparation for the commission of the crime, as well as any property obtained
8 or income generated from the sale, conversion, or exchange of such property
9 and any gain realized by such sale, conversion, or exchange; and

10 (D) any property that the defendant obtained or any income generated
11 from the sale of tangible property the value of which is increased by the
12 notoriety gained from the conviction of an offense by the person accused or
13 convicted of the crime.

14 Sec. 2. 13 V.S.A. § 5353 is amended to read:

15 § 5353. APPLICATION FOR COMPENSATION

16 (a) A victim or a dependent of a victim shall, upon application, be eligible
17 for compensation if:

18 (1) a law enforcement official has filed a report concluding that a crime
19 was committed which resulted in the injury or death of the victim; and

20 (2) the crime was committed in this State; or

