

1 Introduced by House Committee on Judiciary
2 Referred to Committee on
3 Date:
4 Subject: Domestic violence
5 Statement of purpose of bill as introduced: This bill proposes a number of
6 measures to enhance the effectiveness of domestic violence prevention
7 procedures.

8 An act relating to domestic violence prevention procedures

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

10 Sec. 1. 15 V.S.A. § 1103 is amended to read:

11 § 1103. REQUESTS FOR RELIEF

12 * * *

13 (2) The court order may include the following:

14 * * *

15 (I) An order that the defendant participate in domestic violence
16 accountability programming.

17 * * *

18

19

1 Sec. 2. 15 V.S.A. § 1105 is amended to read:

2 § 1105. SERVICE

3 (a) A complaint or ex parte temporary order or final order issued under this
4 chapter shall be served in accordance with the Vermont Rules of Civil
5 Procedure and may be served by any law enforcement officer. A court that
6 issues an order under this chapter during court hours shall promptly transmit
7 the order electronically or by other means to a law enforcement agency for
8 service.

9 (b)(1) A defendant who attends a hearing held under section 1103 or 1104
10 of this title at which a temporary or final order under this chapter is issued and
11 who receives notice from the court on the record that the order has been issued
12 shall be deemed to have been served. A defendant notified by the court on the
13 record shall be required to adhere immediately to the provisions of the order.
14 However, even when the court has previously notified the defendant of the
15 order, the court shall transmit the order for additional service by a law
16 enforcement agency.

17 (2) A defendant who has been served with a temporary order issued
18 under section 1103 of this title may be served with all subsequent orders in the
19 case by first class mail to the defendant's last known address. The defendant
20 shall inform the court of any changes to the defendant's address.

1 (c) Abuse orders shall be served by the law enforcement agency at the
2 earliest possible time and shall take precedence over other summonses and
3 orders. Orders shall be served in a manner calculated to ensure the safety of the
4 plaintiff. Methods of service that include advance notification to the defendant
5 shall not be used. The person making service shall file a return of service with
6 the court stating the date, time, and place at which the order was delivered
7 personally to the defendant.

8 (d) If service of a notice of hearing issued under section 1103 or 1104 of
9 this title cannot be made before the scheduled hearing, the court shall continue
10 the hearing and extend the terms of the order upon request of the plaintiff for
11 such additional time as it deems necessary to achieve service on the defendant.

12 Sec. 3. 20 V.S.A. § 2365 is amended to read:

13 § 2365. DOMESTIC VIOLENCE TRAINING

14 (a) In order to remain certified, law enforcement officers shall receive by
15 2011 at least eight hours of domestic violence training in a program approved
16 by the Vermont Criminal Justice Training Council and the Vermont Network
17 Against Domestic and Sexual Violence.

18 (b) Law enforcement officers shall receive domestic violence retraining
19 every two years in a program approved by the Vermont Criminal Justice
20 Training Council. The training required by this subsection shall include
21 training on domestic violence lethality screenings.

1 (c) The Vermont Police Academy shall employ a domestic violence trainer
2 for the sole purpose of training Vermont law enforcement and related
3 practitioners on issues related to domestic violence. Funding for this position
4 shall be transferred by the Center for Crime Victim Services from the
5 Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360.

6 Sec. 4. 20 V.S.A. § 2368 is added to read:

7 § 2368. LAW ENFORCEMENT AGENCIES; DOMESTIC VIOLENCE
8 LETHALITY SCREENING POLICY

9 (a)(1) On or before January 15, 2022, every State, county, and municipal
10 law enforcement agency and every constable who exercises law enforcement
11 authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with
12 section 2358 of this title shall adopt a policy to screen domestic violence
13 incidents for risk of lethality.

14 (2) The domestic violence lethality screening policy required by this
15 subsection shall include:

16 (A) The use of a validated domestic violence lethality screening tool.

17 (B) A memorandum of understanding between the law enforcement
18 agency and the local domestic violence agency to assure the timely referral of
19 victims who are at risk of lethality from domestic violence.

20 (b) Annually, as part of their annual training report to the Council, every
21 State, county, and municipal law enforcement agency and every constable who

1 exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is
2 trained in compliance with section 2358 of this title shall report to the Council
3 whether the agency or officer has adopted a domestic violence lethality
4 screening policy in accordance with subsection (a) of this section. The
5 Criminal Justice Training Council shall determine, as part of the Council's
6 annual certification of training requirements, whether current officers have
7 received training on domestic violence lethality screening as required by
8 subsection 2365(b) of this title.

9 (c) Annually, on or before July 1, 2021, the Criminal Justice Training
10 Council shall report to the House and Senate Committees on Judiciary
11 regarding which departments and officers have adopted a domestic violence
12 lethality screening policy and whether officers have received training on
13 domestic violence lethality screening.

14 Sec. 5. VERMONT COUNCIL ON DOMESTIC VIOLENCE REPORT

15 On or before January 15, 2021, the Vermont Council on Domestic Violence
16 created under 15 V.S.A. § 1171 shall report to the House and Senate
17 Committees on Judiciary a plan for the statewide implementation of regional
18 domestic violence high risk teams, including a proposal for the resources
19 required to implement the plan.

20 Sec. 6. EFFECTIVE DATE

21 This act shall take effect on passage.