



## Statutory Crime Victim Rights in Vermont

### The Right to Information

- The law enforcement agency investigating the crime should explain the victim's rights and provide information about services, victims compensation, protective orders, and access to public records. The victim is entitled to notice of the defendant's arraignment. **In listed crime<sup>1</sup> cases, victims are entitled to learn the identity of the accused and whether the individual is in custody, ordered held on bail, or released on conditions. 13 V.S.A. §§ 5308 and 5314.**
- A victim advocate will explain the types of protection available to victims, how to receive witness fees, how to seek restitution or apply for Victims Compensation, where to seek counseling, and will help the victim navigate the system. 13 V.S.A. § 5304.
- Victims have a right to know about issues concerning bail, the date and location of any hearings (as well as cancellations), the final outcome of the case, any post-conviction relief motions, and any conditions of release issued in listed crime cases. 13 V.S.A. § 5304.
- **Victims are entitled to request notification from any agency having custody of the defendant whenever the defendant is released, escapes, is recaptured, dies, or receives a pardon or commutation or sentence. 13 V.S.A. § 5305.**
- Victims of sex crimes may request notification from the Vermont Sex Offender Registry. 13 V.S.A. § 5410.

### The Right to be Present

- Victims of listed crimes have a right to be present at all court hearings, subject to the Vermont Rules of evidence. 13 V.S.A. §§ 5308 and 5309. Most court hearings are open to the public regardless.
- Employers cannot discipline or terminate employees who are victims or family members of victims of a listed crime because the employee honored a subpoena to testify at a deposition or court hearing. 13 V.S.A. § 5313.

### The Right to Safety and to Defend One's Privacy

- Victims are entitled to information and assistance from Victim Advocates to seek protection from harm arising out of cooperation with the court system. 13 V.S.A. § 5304.
- Prosecutors are required to advise the court of the victim's position regarding whether the Defendant should be held on bail. 13 V.S.A. § 5308.

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<sup>1</sup> Victims of certain more serious crimes, which are called "listed crimes," are entitled to additional rights and protections. See 13 V.S.A. § 5301 for the definition of "listed crime."

- No one should be required to disclose a victim's address or place of employment at a deposition or during court proceedings unless ordered to do so by the court. 13 V.S.A. § 5310.
- A victim's name and identifying information used for purposes of Victims Compensation or Restitution are exempt from public records disclosure requirements. 13 V.S.A. § 5322.
- Victims are entitled to seek Defendant testing for infectious disease in sexual assault cases. 13 V.S.A. § 3256.

#### The Right to Return of Property

- Victims are entitled to assistance from Victim Advocates to regain property seized by law enforcement as evidence during the criminal investigation. Law enforcement is required to take reasonable care of the property while it is held. Unless the property is deemed contraband or is subject to forfeiture, law enforcement is required to notify victims that their property is available to be picked up once it is no longer needed for evidentiary purposes. 13 V.S.A. §§ 5304 and 5311.

#### The Right to Speedy Prosecution

- The prosecutor must notify the victim of a pending motion that may substantially delay a deposition, change of plea, trial, sentencing hearing, or restitution hearing. The prosecutor is also required to notify the court as to how the victim was notified and the victim's position on the motion. The court is required to consider any objection from the victim when deciding whether to grant a motion that could cause a delay. 13 V.S.A. § 5312.

#### The Right to be Heard

- Victims are entitled to advance notice of sentencing or any change of plea hearing where the state has agreed to a deferred sentence. Victims are entitled to appear in person to express their views or to have a victim advocate read a statement on their behalf. 13 V.S.A. § 5321.
- Prosecutors must consult with the victim throughout the plea negotiation process. 13 V.S.A. § 5321.
- Victims of listed crimes have a right to advance notice and to testify at parole eligibility hearings, 28 V.S.A. § 507, or criminal record sealing or expungement hearings. 13 V.S.A. § 7608.
- Sex assault victims are entitled to participate in offender release planning. 13 V.S.A. § 3272.

#### The Right to Victims Compensation and/or Restitution

- Victims may be entitled to Victims Compensation for physical or emotional injuries or safety concerns. 13 V.S.A. § 5351, et seq.
- Victims may be entitled to restitution for property loss, property damage, or other material losses. 13 V.S.A. § 7043. Victims of crimes committed by minors also may have a private right of action against the minor's parents. 15 V.S.A. § 901.

#### The Right to Not Speak Unless Subpoenaed

- Unless issued a subpoena or ordered by the court, victims are not required to speak to anyone about the case.
- Anyone associated with the prosecution or defense who comes in contact with the victim or the victim's family is required to properly identify himself or herself and by whom he or she is employed. 13 V.S.A. § 5316.