

H.477

An act relating to leave for crime victims

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

Sec. 1. 21 V.S.A. § 472c is amended to read:

§ 472c. LEAVE; ALLEGED CRIME VICTIMS; RELIEF FROM
STALKING OR ABUSE

(a) As used in this section:

(1)(A) “Alleged victim” means a person who is alleged in an affidavit filed by a law enforcement official with a prosecuting attorney of competent state or federal jurisdiction to have sustained physical, emotional, or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency. The term “alleged victim” also includes a family member of such a person if the person:

(i) is a minor;

(ii) has been found to be incompetent;

(iii) is alleged to have suffered physical or emotional injury as a result of the violent crime or act of delinquency; or

(iv) was killed as a result of the alleged crime or act of delinquency.

(B) As used in this subdivision (a)(1):

(i) “Family member” means an individual who is not identified in the affidavit as the defendant and is the alleged victim’s:

(I) child, foster child, or stepchild;

(II) ward who lives with the alleged victim;

(III) spouse, domestic partner, or civil union partner;

(IV) sibling;

(V) grandparent;

(VI) grandchild;

(VII) parent or a parent of the alleged victim's spouse,

domestic partner, or civil union partner;

(VIII) legal guardian; or

(IX) an individual for whom the alleged victim stands in loco parentis or who stood in loco parentis for the alleged victim when the alleged victim was a child.

(ii) "Domestic partner" has the same meaning as in 17 V.S.A. § 2414.

(iii) "In loco parentis" means an individual for whom the alleged victim has day-to-day responsibilities to care for and financially support, or, in the case of the alleged victim, an individual who had such responsibility for the alleged victim when the alleged victim was a child.

(iv) "Violent crime" means a "listed crime" as that term is defined in 13 V.S.A. § 5301(7) and any comparable offense in another jurisdiction.

(2) “Employer” means an individual, organization, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State.

~~(2)(3)~~ “Employee” means a person who ~~is a crime victim as defined in section 495d of this chapter and~~, in consideration of direct or indirect gain or profit, has been continuously employed by the same employer for a period of six months for an average of at least 20 hours per week.

(b) In addition to the leave provided in section 472 of this title, an employee shall be entitled to take unpaid leave from employment for the purpose of attending a deposition or court proceeding related to:

(1) a criminal proceeding, when the employee is a an alleged victim ~~as defined in 13 V.S.A. § 5301~~ and the employee has a right or obligation to appear at the proceeding;

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Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.