

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 133  
3 entitled “An act relating to emergency relief from abuse orders and  
4 relinquishment of firearms” respectfully reports that it has considered the same  
5 and recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 15 V.S.A. § 1104 is amended to read:

8 § 1104. EMERGENCY RELIEF

9 (a) In accordance with the Vermont Rules of Civil Procedure, temporary  
10 orders under this chapter may be issued ex parte, without notice to the  
11 defendant, upon motion and findings by the court that the defendant has abused  
12 the plaintiff or the plaintiff’s children, or both. The plaintiff shall submit an  
13 affidavit in support of the order. A minor 16 years of age or older, or a minor  
14 of any age who is in a dating relationship as defined in subdivision 1101(2) of  
15 this chapter, may seek relief on his or her own behalf. Relief under this section  
16 shall be limited as follows:

17 (1) Upon a finding that there is an immediate danger of further abuse, an  
18 order may be granted requiring the defendant:

19 (A) to refrain from abusing the plaintiff or his or her children, or both,  
20 or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any

1 animal owned, possessed, leased, kept, or held as a pet by either party or by a  
2 minor child residing in the household;

3 (B) to refrain from interfering with the plaintiff's personal liberty or  
4 the personal liberty of the plaintiff's children, or both;

5 (C) to refrain from coming within a fixed distance of the plaintiff, the  
6 plaintiff's children, the plaintiff's residence, or the plaintiff's place of  
7 employment; ~~and~~

8 (D) to refrain from contacting the plaintiff or the plaintiff's children,  
9 or both, in any way, whether directly, indirectly, or through a third party, with  
10 the purpose of making contact with the plaintiff, including in writing or by  
11 telephone, e-mail, or other electronic communication; or

12 (E) to immediately relinquish, until the expiration of the order, all  
13 firearms that are in the defendant's possession, ownership, or control or that  
14 another person possesses or controls on behalf of the defendant, and to refrain  
15 from acquiring or possessing any firearms while the order is in effect.

16 (2) Upon a finding that the plaintiff, his or her children, or both have  
17 been forced from the household and will be without shelter unless the  
18 defendant is ordered to vacate the premises, the court may order the defendant  
19 to vacate immediately the household and may order sole possession of the  
20 premises to the plaintiff.

