

1 H.27

2 An act relating to coercive controlling behavior and abuse prevention orders

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

4 Sec. 1. 15 V.S.A. § 1101 is amended to read:

5 § 1101. DEFINITIONS

6 ~~The following words as used in this chapter shall have the following~~
7 ~~meanings~~ As used in this chapter:

8 (1) “Abuse” means:

9 (A) the occurrence of one or more of the following acts between
10 family or household members:

11 ~~(A)(i) Attempting attempting~~ attempting to cause or causing physical harm;

12 ~~(B)(ii) Placing placing~~ another in fear of imminent serious physical
13 harm;

14 ~~(C)(iii) Abuse abuse~~ to children as defined in 33 V.S.A. chapter 49,
15 subchapter 2;

16 ~~(D)(iv) Stalking stalking~~ as defined in 12 V.S.A. § 5131(6); or

17 ~~(E)(v) Sexual sexual~~ assault as defined in 12 V.S.A. § 5131(5); or

18 (B) coercive controlling behavior between family or household
19 members.

20 (2) “Coercive controlling behavior” means a pattern of behavior that in
21 purpose or effect unreasonably interferes with a person’s free will and personal

1 liberty. “Coercive controlling behavior” includes unreasonably engaging in
2 any of the following:

3 (A) isolating the family or household member from friends, relatives
4 or other sources of support;

5 (B) depriving the family or household member of basic necessities;

6 (C) controlling, regulating or monitoring the family or household
7 member’s movements, communications, daily behavior, finances, economic
8 resources, or access to services;

9 (D) compelling the family or household member by force, threat or
10 intimidation, including threats based on actual or suspected immigration status,
11 to:

12 (i) engage in conduct from which such family or household
13 member has a right to abstain; or

14 (ii) abstain from conduct that such family or household member
15 has a right to pursue;

16 (E) committing or threatening to commit cruelty to animals that
17 intimidates the family or household member; or

18 (F) forced sex acts or threats of a sexual nature, including threatened
19 acts of sexual conduct, threats based on a person’s sexuality, or threats to
20 release sexual images.

1 (3) “Household members” means persons who, for any period of time,
2 are living or have lived together, are sharing or have shared occupancy of a
3 dwelling, are engaged in or have engaged in a sexual relationship, or minors or
4 adults who are dating or who have dated. “Dating” means a social relationship
5 of a romantic nature. Factors that the court may consider when determining
6 whether a dating relationship exists or existed include:

7 (A) the nature of the relationship;

8 (B) the length of time the relationship has existed;

9 (C) the frequency of interaction between the parties; and

10 (D) the length of time since the relationship was terminated, if
11 applicable.

12 ~~(3)~~(4) A “foreign abuse prevention order” means any protection order
13 issued by the court of any other state that contains provisions similar to relief
14 provisions authorized under this chapter, the Vermont Rules for Family
15 Proceedings, 33 V.S.A. chapter 69, or 12 V.S.A. chapter 178.

16 ~~(4)~~(5) “Other state” and “issuing state” shall mean any state other than
17 Vermont and any federally recognized Indian tribe, territory or possession of
18 the United States, the Commonwealth of Puerto Rico, or the District of
19 Columbia.

20 ~~(5)~~(6) A “protection order” means any injunction or other order issued
21 for the purpose of preventing violent or threatening acts or harassment against,

1 or contact or communication with or physical proximity to, another person,
2 including temporary and final orders issued by civil and criminal courts, other
3 than support or child custody orders, whether obtained by filing an
4 independent action or as a pendente lite order in another proceeding ~~so long as,~~
5 provided that any civil order was issued in response to a complaint, petition, or
6 motion filed by or on behalf of a person seeking protection.

7 ~~(6)(7)~~ [Repealed.]

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2024.