

H.35

An act relating to the Victims Assistance Program

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

Sec. 1. 13 V.S.A. § 5304 is amended to read:

§ 5304. ~~VICTIMS ASSISTANCE~~ VICTIM ADVOCATE PROGRAM

(a) The ~~Center for Crime Victim Services~~ Department of State's Attorneys and Sheriffs shall ~~create and~~ maintain a ~~Victims Assistance~~ the Victim Advocate Program. Except as otherwise provided by law, victim advocates shall provide victims the following services:

(1) Information. Victims shall be informed as to the level of protection available, procedures to be followed in order to receive applicable witness fees, the right to seek restitution as an element of the final disposition of the case, and the right to appear at sentencing in accordance with section 7006 of this title.

(2) Notification. Victims shall be notified in a timely manner when a court proceeding involving their case is scheduled to take place and when a court proceeding to which they have been summoned will not take place as scheduled. Victims shall also be notified as to the final disposition of the case and shall be notified of their right to request notification of a person's release or escape under section 5305 of this title. Notwithstanding this subdivision,

the notification rights of victims of delinquent acts are governed by 33 V.S.A. chapters 52 and 52A.

(3) Services. Victims shall be entitled to:

(A) receive ~~short-term counseling and~~ support from the victim advocate and referrals for further services;

(B) ~~assistance~~ information and guidance in obtaining financial assistance and minimizing loss of pay or other benefits resulting from involvement in the criminal justice process;

(C) ~~assistance~~ information and guidance in documenting and preparing requests for restitution and insurance reimbursement;

(D) assistance in obtaining protection through local law enforcement agencies from harm and threats of harm arising out of their cooperation with the court system;

(E) assistance in the return of property from law enforcement agencies; and

(F) assistance and support in dealing with law enforcement agencies; and

~~(G) transportation as needed to court proceedings.~~

(b) A victim may decline any service provided by the ~~Victims Assistance~~ Victim Advocate Program under this section.

Sec. 2. 13 V.S.A. § 5306 is amended to read:

§ 5306. VICTIM ADVOCATES

~~In order to carry out the provisions of the Victims Assistance Program,~~
State's Attorneys are authorized to hire victim advocates ~~who shall serve at~~
~~their pleasure unless otherwise modified by a collective bargaining agreement~~
~~entered into pursuant to 3 V.S.A. chapter 27. Nothing in this section shall be~~
~~construed to limit the subjects for bargaining pursuant to 3 V.S.A. § 904~~
Victim advocates shall provide services in accordance with job descriptions
established and maintained by the Department of State's Attorneys and
Sheriffs.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.