

1 H.41

2 An act relating to referral of domestic and sexual violence cases to
3 community justice centers

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

5 * * * Authority to Refer Domestic and Sexual Violence Cases to Community
6 Justice Centers in Accordance with Attorney General Protocols * * *

7 Sec. 1. 24 V.S.A. § 1966 is amended to read:

8 § 1966. COMMUNITY JUSTICE CENTERS' RELATIONSHIP WITH
9 STATE GOVERNMENT ENTITIES

10 (a) Support from the Agency of Human Services. The Agency of Human
11 Services shall provide to the community justice centers the information,
12 analysis, and technical support that the community justice centers, in
13 collaboration with the Agency of Human Services, determine are necessary to
14 further their policy of restorative justice.

15 (b) Support from the Office of the Attorney General. The Community
16 Justice Unit of the Office of the Attorney General shall provide to the
17 community justice centers support for domestic violence and sexual violence
18 case referrals in accordance with section 1968 of this title.

19 (c) Funding from the Agency of Human Services. The Agency of Human
20 Services may provide funding and authorize community justice centers to
21 participate in the implementation of State programs related to juvenile and
22 criminal offenses.

1 ~~(e)~~(d) Access to information. Community justice center employees and
2 volunteers participating in State-funded programs shall have access to
3 information, analysis, and technical support as necessary to carry out their
4 duties within the program in accordance with State and federal confidentiality
5 statutes and policies. Victim information that is not part of the public record
6 shall not be released without the victim's consent.

7 ~~(d)~~(e) Liability.

8 (1) For the purposes of defining liability, community justice center
9 volunteers participating in programs funded by the Agency of Human Services
10 pursuant to subsection ~~(b)~~(c) of this section shall be considered volunteers of
11 that agency.

12 (2) In all other cases, the State and the municipality shall each be liable
13 for the acts and omissions of employees operating within the scope of their
14 employment.

15 Sec. 2. 24 V.S.A. § 1967 is amended to read:

16 § 1967. CASES PROHIBITED

17 No case involving domestic violence, sexual violence, sexual assault, or
18 stalking shall be referred to a community justice center except ~~in~~ through
19 Department of Corrections offender reentry programs pursuant to protocols
20 protecting victims, or as provided in section 1968 of this title. The community
21 justice centers shall work with the Department of Corrections and the Center

1 for Crime Victim Services or its designee to develop victim safety protocols
2 for community justice centers that take into consideration victim needs such as
3 safety, confidentiality, and privacy.

4 Sec. 3. 24 V.S.A. §§ 1968 and 1969 are added to read:

5 § 1968. REFERRALS FOR DOMESTIC VIOLENCE AND SEXUAL
6 VIOLENCE CASES; ATTORNEY GENERAL PROTOCOLS

7 (a) Notwithstanding section 1967 of this title, community justice centers
8 may accept referrals for domestic violence and sexual violence cases, provided
9 the community justice center has a current and executed memorandum of
10 understanding with a local member organization of the Vermont Network
11 Against Domestic and Sexual Violence (Vermont Network). Such
12 memorandums of understanding shall include protocols set forth in
13 subsection (c) of this section.

14 (b) If the restorative justice approach set forth in the memorandum of
15 understanding includes law enforcement or prosecutor referrals, a prosecutor
16 and law enforcement agency with jurisdiction shall be party to the
17 memorandum of understanding.

18 (c) On or before July 1, 2024, the Community Justice Unit of the Office of
19 the Attorney General (Community Justice Unit), in consultation with the
20 Vermont Network and the Center for Crime Victim Services, shall create

1 guidance for memorandums of understanding. Memorandums of
2 understanding shall include protocols that:

3 (1) establish a defined approach based on evidence or an established,
4 promising program;

5 (2) prioritize victim safety;

6 (3) include voluntary referral and participation by parties;

7 (4) require initial and annual training for relevant community justice
8 center staff, facilitators, and volunteers and relevant law enforcement and
9 prosecutors on the dynamics involving domestic violence and sexual violence,
10 trauma-informed approaches, and restorative justice principles;

11 (5) establish roles and participation of the community justice center, the
12 local domestic and sexual violence organization, and other community partners
13 as needed;

14 (6) establish written confidentiality standards that ensure constitutional
15 protections and the privacy of participants;

16 (7) establish universal data collection standards developed by the
17 Community Justice Unit; and

18 (8) establish written annual evaluation and quality improvement plans
19 and processes that engage community and system stakeholders.

20 (d) The Community Justice Unit shall review each memorandum of
21 understanding to ensure compliance with the protocols set forth in

1 subsection (c) of this section and guidance created by the Community Justice
2 Unit. The Community Justice Unit may engage other stakeholders who are
3 relevant to the defined approach under consideration in the review process.

4 (e) Once a memorandum of understanding has been verified for compliance
5 by the Community Justice Unit and has been executed by the parties,
6 community justice centers may accept referrals involving domestic violence or
7 sexual violence.

8 (f) Information related to any offense that a person divulges in preparation
9 for, during, or as a follow-up to the provision of programming pursuant to this
10 section shall not be used against the person in any criminal, civil, family, or
11 juvenile investigation, prosecution, or case for any purpose, including
12 impeachment or cross-examination. This subsection shall not be construed to
13 prohibit the limited disclosure or use of information to specific persons in the
14 following circumstances:

15 (1) Where there is a threat or statement of a plan that a person may
16 reasonably believe is likely to result in death or bodily injury to themselves or
17 others or damage to the property of another person.

18 (2) When disclosure is necessary to report bodily harm any party causes
19 another during the restorative justice programming.

1 (3) Where there is a reasonable suspicion of abuse or neglect of a child
2 or vulnerable adult and a report is made in accordance with the provisions of
3 33 V.S.A. § 4914 or 33 V.S.A. § 6903 or to comply with another law.

4 (4) Where a court or administrative tribunal determines that the
5 materials were submitted by a participant to the program for the purpose of
6 avoiding discovery of the material in a court or administrative proceeding. If a
7 participant wishes to avail themselves of this provision, the participant may
8 disclose this information in camera to a judicial officer for the purposes of
9 seeking such a ruling.

10 § 1969. PUBLIC RECORDS ACT EXEMPTION

11 (a) Any records or information produced or acquired pursuant to this
12 chapter shall be kept confidential and shall be exempt from public inspection
13 or copying under Vermont's Public Records Act.

14 (b) Notwithstanding subsection (a) of this section, a community justice
15 center may disclose information to colleges, universities, public agencies of the
16 State, and nonprofit research organizations that a community justice center has
17 agreements with for use in connection with research projects of a public
18 service nature, but no person associated with those institutions or agencies may
19 disclose that information in any manner that would reveal the identity of an
20 individual who provided the information to the community justice center.

1 Sec. 4. REPORT; COMMUNITY JUSTICE UNIT OF THE OFFICE OF
2 THE ATTORNEY GENERAL

3 (a) On or before December 1, 2025, the Community Justice Unit, in
4 collaboration with the Vermont Network, and the participating community
5 justice centers shall submit an interim report to the House and Senate
6 Committees on Judiciary regarding the establishment of memorandums of
7 understanding pursuant to 24 V.S.A. § 1968, the status of implementation of
8 programming, referral sources, available data on effectiveness, and the
9 available resources and capacity for such programming.

10 (b) On or before July 1, 2028, the Community Justice Unit, in collaboration
11 with the Vermont Network, and the participating community justice centers
12 shall submit a final report to the House and Senate Committees on Judiciary
13 regarding the establishment of memorandums of understanding pursuant to 24
14 V.S.A. § 1968, the status of implementation of programming, referral sources,
15 available data on effectiveness, and the available resources and capacity for
16 such programming.

17 * * * Effective Date * * *

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on passage.