

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 41  
3 entitled “An act relating to referral of domestic and sexual violence cases to  
4 community justice centers” 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 \* \* \* Authority to Refer Domestic and Sexual Violence Cases to Community  
8 Justice Centers in Accordance with Attorney General Protocols \* \* \*

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

10 § 1966. COMMUNITY JUSTICE CENTERS’ RELATIONSHIP WITH  
11 STATE GOVERNMENT ENTITIES

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

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

1        (c) Funding from the Agency of Human Services. The Agency of Human  
2        Services may provide funding and authorize community justice centers to  
3        participate in the implementation of State programs related to juvenile and  
4        criminal offenses.

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

11       ~~(d)~~(e) Liability.

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

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

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

20        § 1967. CASES PROHIBITED

1        ~~No~~ Except as provided in section 1968 of this title, no case involving  
2        domestic violence, sexual violence, sexual assault, or stalking shall be referred  
3        to a community justice center ~~except in~~ only for the purpose of Department of  
4        Corrections offender reentry programs pursuant to protocols protecting  
5        victims. The community justice centers shall work with the Department of  
6        Corrections and the Center for Crime Victim Services or its designee to  
7        develop victim safety protocols for community justice centers that take into  
8        consideration victim needs such as safety, confidentiality, and privacy.

9        Sec. 3. 24 V.S.A. § 1968 is added to read:

10        § 1968. REFERRALS FOR DOMESTIC VIOLENCE AND SEXUAL  
11        VIOLENCE CASES; ATTORNEY GENERAL PROTOCOLS

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

19        (b) If the restorative justice approach set forth in the memorandum of  
20        understanding includes law enforcement or prosecutor referrals, a prosecutor  
21        with jurisdiction shall be party to the memorandum of understanding.

1        (c) On or before January 1, 2024, the Community Justice Division of the  
2        Office of the Attorney General (Community Justice Division), in consultation  
3        with the Vermont Network, shall create guidance for memorandums of  
4        understanding. Memorandums of understanding shall include protocols that:

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

7            (2) prioritize victim safety;

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

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

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

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

18           (7) establish data collection standards; and

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

1        (d) The Community Justice Division shall review each memorandum of  
2        understanding to ensure compliance with the protocols set forth in subsection  
3        (c) of this section and guidance created by the Community Justice Division and  
4        the Vermont Network Against Domestic and Sexual Violence. The  
5        Community Justice Division may engage other stakeholders who are relevant  
6        to the defined approach under consideration in the review process.

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

11       (f) Except for research and reports that do not establish the identity of  
12       individual participants, all information shared or gathered during the provision  
13       of programming pursuant to this section shall be held strictly confidential and  
14       shall not be released without the participant’s prior consent.

15       (g) Information related to any offense that a person divulges during the  
16       provision of programming pursuant to this section shall not be used against the  
17       person in the person’s criminal or juvenile case for any purpose, including  
18       impeachment or cross-examination.

19       Sec. 4. REPORT; COMMUNITY JUSTICE DIVISION OF THE OFFICE OF  
20       THE ATTORNEY GENERAL

1       (a) On or before December 1, 2026, the Community Justice Division, in  
2       collaboration with the Vermont Network, and the participating community  
3       justice centers shall submit an interim report to the House and Senate  
4       Committees on Judiciary regarding the establishment of memorandums of  
5       understanding pursuant to 24 V.S.A. § 1968, the status of implementation of  
6       programming, and the available resources and capacity for such programming.

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

14                                      \* \* \* Sunset of Secs. 1–4 \* \* \*

15      Sec. 5. 24 V.S.A. § 1966 is amended to read:

16      § 1966. COMMUNITY JUSTICE CENTERS’ RELATIONSHIP WITH  
17                                      STATE GOVERNMENT ENTITIES

18      (a) Support from the Agency of Human Services. The Agency of Human  
19      Services shall provide to the community justice centers the information,  
20      analysis, and technical support that the community justice centers, in

1 collaboration with the Agency of Human Services, determine are necessary to  
2 further their policy of restorative justice.

3 ~~(b) Support from the Office of the Attorney General. The Community~~  
4 ~~Justice Division of the Office of the Attorney General shall provide to the~~  
5 ~~community justice centers support for domestic violence and sexual violence~~  
6 ~~ease referrals in accordance with section 1968 of this title. [Repealed]~~

7 (c) Funding from the Agency of Human Services. The Agency of Human  
8 Services may provide funding and authorize community justice centers to  
9 participate in the implementation of State programs related to juvenile and  
10 criminal offenses.

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

17 (e) Liability.

18 (1) For the purposes of defining liability, community justice center  
19 volunteers participating in programs funded by the Agency of Human Services  
20 pursuant to subsection (c) of this section shall be considered volunteers of that  
21 agency.





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(Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

FOR THE COMMITTEE