

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 Unit 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 case involving domestic violence, sexual violence, sexual assault, or
2 stalking shall be referred to a community justice center except ~~in~~ through
3 Department of Corrections offender reentry programs pursuant to protocols
4 protecting victims, or as provided in section 1968 of this title. The community
5 justice centers shall work with the Department of Corrections and the Center
6 for Crime Victim Services or its designee to develop victim safety protocols
7 for community justice centers that take into consideration victim needs such as
8 safety, confidentiality, and privacy.

9 Sec. 3. 24 V.S.A. §§ 1968 and 1969 are 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

1 and law enforcement agency with jurisdiction shall be party to the
2 memorandum of understanding.

3 (c) On or before July 1, 2024, the Community Justice Unit of the Office of
4 the Attorney General (Community Justice Unit), in consultation with the
5 Vermont Network and the Center for Crime Victim Services, shall create
6 guidance for memorandums of understanding. Memorandums of
7 understanding shall include protocols that:

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

10 (2) prioritize victim safety;

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

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

16 (5) establish roles and participation of the community justice center, the
17 local domestic and sexual violence organization, and other community partners
18 as needed;

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

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

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

5 (d) The Community Justice Unit shall review each memorandum of
6 understanding to ensure compliance with the protocols set forth in subsection
7 (c) of this section and guidance created by the Community Justice Unit. The
8 Community Justice Unit may engage other stakeholders who are relevant to the
9 defined approach under consideration in the review process.

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

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

1 (1) where there is a threat or statement of a plan that a person may
2 reasonably believe is likely to result in death or bodily injury to themselves or
3 others or damage to the property of another person;

4 (2) when disclosure is necessary to report bodily harm any party causes
5 another during the restorative justice programming;

6 (3) where there is a reasonable suspicion of abuse or neglect of a child
7 or vulnerable adult and a report is made in accordance with the provisions of
8 33 V.S.A. § 4914 or 33 V.S.A. § 6903, or to comply with another law; or

9 (4) where a court or administrative tribunal determines that the materials
10 were submitted by a participant to the program for the purpose of avoiding
11 discovery of the material in a court or administrative proceeding. If a
12 participant wishes to avail themselves of this provision, they may disclose this
13 information in camera to a judicial officer for the purposes of seeking such a
14 ruling.

15 § 1969. PUBLIC RECORDS ACT EXEMPTION

16 (a) Any records or information produced or acquired pursuant to this
17 chapter shall be kept confidential and shall be exempt from public inspection
18 or copying under Vermont’s Public Records Act.

19 (b) Notwithstanding subsection (a) of this section, a community justice
20 center may disclose information to colleges, universities, and public agencies
21 of the State for use in connection with research projects of a public service

1 nature, but no person associated with those institutions or agencies may
2 disclose that information in any manner that would reveal the identity of an
3 individual who provided the information to the community justice center.

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

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

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

19 * * * Effective Date * * *

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on passage.

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4 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE