

1 H.27

2 Introduced by Representatives LaLonde of South Burlington and Nugent of

3 South Burlington

4 Referred to Committee on

5 Date:

6 Subject: Domestic relations; Domestic Violence Fatality Review Commission

7 Statement of purpose of bill as introduced: This bill proposes to expand the  
8 scope of the Commission's review to include near-fatal instances of domestic  
9 violence; add new members to the Commission; and direct the persons who  
10 have appointing authority to consider diversity when appointing members to  
11 the Commission.

12 An act relating to the Domestic Violence Fatality Review Commission

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

14 Sec. 1. 15 V.S.A. § 1140 is amended to read:

15 § 1140. DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

16 (a) The Domestic Violence Fatality Review Commission is established  
17 within the Office of the Attorney General, in consultation with the Council on  
18 Domestic Violence, for the following purposes:

1 (1) to examine the trends and patterns of domestic violence-related  
2 fatalities and near-fatal instances of domestic violence in Vermont;

3 (2) to identify barriers to safety, the strengths and weaknesses in  
4 communities, and systemic responses to domestic violence;

5 (3) to educate the public, service providers, and policymakers about  
6 domestic violence fatalities and near-fatal instances of domestic violence and  
7 strategies for intervention and prevention; and

8 (4) to recommend policies, practices, and services that will encourage  
9 collaboration and reduce fatalities and near-fatal instances of domestic  
10 violence due to domestic violence.

(b) The Commission is intended to reflect communities throughout  
Vermont and appointing authorities shall strive to appoint persons from  
different racial and ethnic backgrounds, persons with a disability, and persons  
who identify as LGBTQ+. The Commission shall comprise 17 ~~22~~ 23  
members, consisting of the following:

11 (1) the Attorney General or designee;

12 (2) the Commissioner of Health or designee;

13 (3) the Commissioner for Children and Families or designee;

14 (4) the Commissioner of Corrections or designee;

15 (5) the Commissioner of Public Safety or designee;

16 (6) the Chief Medical Examiner or designee;

1           (7) a State's Attorney with experience prosecuting domestic violence  
2 cases, appointed by the Executive Director of the Department of State's  
3 Attorneys and Sheriffs;

4           (8) the Defender General or designee;

5           (9) a member of the Vermont Coalition of Batterer Intervention  
6 Services;

7           (10) a member of the Vermont Network Against Domestic and Sexual  
8 Violence;

9           (11) a representative of the Vermont Council on Domestic Violence;

10          (12) a representative of local law enforcement, appointed by the  
11 Governor;

12          (13) a victim or survivor of domestic violence, appointed by the  
13 Vermont Network Against Domestic and Sexual Violence;

14          (14) a physician, appointed by the Governor;

15          (15) the Executive Director of the Vermont Criminal Justice Council or  
16 designee;

17          (16) the Commissioner of Mental Health or designee; and

18          (17) one judge, appointed by the Chief Justice of the Vermont Supreme  
19 Court;

20          (18) a sheriff with experience and interest in combating domestic  
21 violence, appointed by the Vermont Sheriffs' Association;

1           (19) a restorative justice practitioner from a community justice center,  
2           appointed by the Attorney General;

3           (20) the Director of Victim Services for the Vermont State Police or  
4           designee;

5           ~~(21) a state's attorney victim advocate, appointed by the Vermont~~  
6           ~~Center for Crime Victim Services; and~~

7           (22) the Director of Victim Services for the Department of Corrections  
8           ~~or designee.~~

(21) the Executive Director of the Vermont Center for Crime Victim  
          Services or designee;

(22) a State's Attorney victim advocate, appointed by the Executive  
          Director of the Department of State's Attorneys and Sheriffs; and

(23) the Director of Victim Services for the Department of Corrections  
          or designee.

9           (c) In any case subject to review by the Commission, upon written request  
10          of the Commission, a person who possesses information or records that are  
11          necessary and relevant to a domestic violence fatality or near-fatal incident  
12          review shall, as soon as practicable, provide the Commission with the  
13          information and records. A person who provides information or records upon  
14          request of the Commission is not criminally or civilly liable for providing  
15          information or records in compliance with this section. The Commission shall

1 review fatalities ~~which~~ and near-fatal incidents that are not under investigation  
2 and fatalities and near-fatal incidents in cases that are postadjudication ~~which~~  
3 that have received a final judgment.

4 (d) The proceedings and records of the Commission are confidential and  
5 are not subject to subpoena, discovery, or introduction into evidence in a civil  
6 or criminal action. The Commission shall disclose conclusions and  
7 recommendations upon request, but may not disclose information, records, or  
8 data that are otherwise confidential, such as autopsy records. The Commission  
9 shall not use the information, records, or data for purposes other than those  
10 designated by subsections (a) and (g) of this section.

11 (e) The Commission is authorized to require any person appearing before it  
12 to sign a confidentiality agreement created by the Commission in order to  
13 maintain the confidentiality of the proceedings. In addition, the Commission  
14 may enter into agreements with nonprofit organizations and private agencies to  
15 obtain otherwise confidential information.

16 (f) Commission meetings are confidential, and shall be exempt from  
17 1 V.S.A. chapter 5, subchapter 2 (open meetings law). Commission records  
18 are confidential, and shall be exempt from 1 V.S.A. chapter 5, subchapter 3  
19 (public access to records).

20 (g) The Commission shall report its findings and recommendations to the  
21 Governor, the General Assembly, the Chief Justice of the Vermont Supreme

1 Court, and the Vermont Council on Domestic Violence not later than the third  
2 Tuesday in January of the first year of the biennial session. The report shall be  
3 available to the public through the Office of the Attorney General. The  
4 Commission may issue data or other information periodically, in addition to  
5 the biennial report. The provisions of 2 V.S.A. § 20(d) (expiration of required  
6 reports) shall not apply to the report to be made under this subsection.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on passage.