

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

H.64

Introduced by Representatives Oliver of Sheldon, Arsenault of Williston,  
Bartley of Fairfax, Bosch of Clarendon, Boutin of Barre City,  
Branagan of Georgia, Demar of Enosburgh, Dolan of Essex  
Junction, Dolgin of St. Johnsbury, Goodnow of Brattleboro,  
Goslant of Northfield, Harvey of Castleton, Labor of Morgan,  
LaLonde of South Burlington, Malay of Pittsford, McCoy of  
Poultney, McFaun of Barre Town, Page of Newport City,  
Pinsonault of Dorset, Pritchard of Pawlet, and Quimby of  
Lyndon

Referred to Committee on

Date:

Subject: Court procedure; orders against stalking and sexual assault

Statement of purpose of bill as introduced: This bill proposes to direct the  
Court Administrator to establish procedures for a plaintiff to obtain an order  
against sexual assault after regular court hours or on weekends and holidays.

An act relating to after-hours access to orders against sexual assault

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

2 Sec. 1. 12 V.S.A. § 5136(b) is amended to read:

3 (b)(1) The Court Administrator is authorized to contract with public or  
4 private agencies to assist plaintiffs to seek relief and to gain access to Superior  
5 Court. Law enforcement agencies shall assist in carrying out the intent of this  
6 section.

7 (2) The Court Administrator shall establish procedures to ensure access  
8 to orders against sexual assault after regular court hours or on weekends and  
9 holidays in accordance with subdivisions (A)–(D) of this subdivision.

10 (A) The court shall designate an authorized person to receive requests  
11 for ex parte emergency relief orders submitted after regular court hours  
12 pursuant to section 5134 of this title, including requests made by reliable  
13 electronic means according to the procedures in this subdivision (2).

14 (B) If a secure setting is not available for processing an ex parte  
15 emergency relief order submitted after regular court hours, or if the authorized  
16 person determines that electronic submission is appropriate under the  
17 circumstances, the authorized person shall inform the applicant that a  
18 complaint and affidavit may be submitted electronically.

19 (C) The affidavit shall be sworn to or affirmed by administration of  
20 the oath over the telephone to the applicant by the authorized person and shall  
21 conclude with the following statement: “I declare under the penalty of perjury

1 pursuant to the laws of the State of Vermont that the foregoing is true and  
2 accurate. I understand that making false statements is a crime subject to a term  
3 of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904.” The  
4 authorized person shall note on the affidavit the date and time that the oath was  
5 administered.

6 (D) The authorized person shall communicate the contents of the  
7 complaint and affidavit to a judicial officer telephonically or by reliable  
8 electronic means. The judicial officer shall decide whether to grant or deny the  
9 complaint and issue the order solely on the basis of the contents of the affidavit  
10 or affidavits provided. The judicial officer shall communicate the decision to  
11 the authorized person, who shall communicate it to the applicant. If the order  
12 is issued, it shall be delivered to the appropriate law enforcement agency for  
13 service and to the holding station.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on September 1, 2025.