

1 H.331

2 Introduced by Representative Rachelson of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; victims; information concerning
6 appeal or postconviction remedies

7 Statement of purpose of bill as introduced: This bill proposes to require that a
8 victim of a listed crime be permitted to offer comments at a defendant's
9 hearing regarding an appeal or postconviction remedy.

10 An act relating to a victim's right to be heard at an appeal or postconviction
11 remedy hearing

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

13 Sec. 1. 13 V.S.A. § 5315 is amended to read:

14 § 5315. INFORMATION CONCERNING APPEAL OR ~~POST~~

15 ~~CONVICTION~~ POSTCONVICTION REMEDIES

16 (a) If the defendant appeals or pursues a ~~post-conviction~~ postconviction
17 remedy, the prosecutor's office shall promptly inform the victim of a listed
18 crime of that fact, shall explain the significance of such a proceeding and shall
19 promptly notify the victim of the date, time, and place of any hearing and of
20 the decision.

1 (b) In cases related to a conviction for a listed crime, in accordance with
2 court rules, at the hearing the court shall ask if the victim is present and, if so,
3 whether the victim would like to be heard regarding the matter before the
4 court. The court shall consider the statements offered at the hearing by the
5 victim regarding the matter before the court. If the victim is not present, the
6 court shall ask whether the victim has expressed, either orally or in writing,
7 views regarding the matter before the court and shall take those views into
8 consideration.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2025.