

1 S.9

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

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

4 Sec. 1. 12 V.S.A. § 5134 is amended to read:

5 § 5134. EMERGENCY RELIEF

6 (a) In accordance with the Vermont Rules of Civil Procedure, a person
7 other than a family or household member as defined in 15 V.S.A. § 1101(2)
8 may file a complaint for a temporary order against stalking or sexual assault.
9 ~~Such complaint~~ Stalking complaints shall be filed during regular court hours.

10 The plaintiff shall submit an affidavit in support of the order. The court may
11 issue a temporary order under this chapter ex parte, without notice to the
12 defendant, upon motion and findings by the court that the defendant has
13 stalked or sexually assaulted the plaintiff. The court may order the defendant
14 to stay away from the plaintiff or the plaintiff's children, or both, and may
15 make any other such order it deems necessary to protect the plaintiff or the
16 plaintiff's children, or both.

17 * * *

18 Sec. 2. 12 V.S.A. § 5135(b) is amended to read:

19 (b) A defendant who attends a hearing held under section 5133 or 5134 of
20 this title at which a temporary or final order under this chapter is issued and
21 who receives notice from the court on the record that the order has been issued
22 shall be deemed to have been served. A defendant notified by the court on the

1 record shall be required to adhere immediately to the provisions of the order.

2 ~~However, even when the court has previously notified the defendant of the~~
3 ~~order, the court shall transmit the order for additional service by a law~~
4 ~~enforcement agency.~~ The clerk shall mail a copy of the order to the defendant
5 at the defendant's last known address.

6 Sec. 3. 12 V.S.A. § 5136(b) is amended to read:

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

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

14 (A) The court shall designate an authorized person to receive requests
15 for ex parte emergency relief orders against sexual assault submitted after
16 regular court hours pursuant to section 5134 of this title, including requests
17 made by reliable electronic means according to the procedures in this
18 subdivision (2).

19 (B) If a secure setting is not available for processing an ex parte
20 emergency relief order against sexual assault submitted after regular court
21 hours, or if the authorized person determines that electronic submission is

1 appropriate under the circumstances, the authorized person shall inform the
2 applicant that a complaint and affidavit may be submitted electronically.

3 (C) The affidavit shall be sworn to or affirmed by administration of
4 the oath over the telephone to the applicant by the authorized person and shall
5 conclude with the following statement: "I declare under the penalty of perjury
6 pursuant to the laws of the State of Vermont that the foregoing is true and
7 accurate. I understand that making false statements is a crime subject to a term
8 of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904." The
9 authorized person shall note on the affidavit the date and time that the oath was
10 administered.

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

19 Sec. 4. EFFECTIVE DATE

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