

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. § 5136(b) is amended to read:

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

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

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

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

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

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

17 Sec. 2. EFFECTIVE DATE

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