

1 S.9

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

3 The House proposes to the Senate to amend the bill by striking out all after  
4 the enacting clause and inserting in lieu thereof the following:

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

6 § 5134. EMERGENCY RELIEF

7 (a) In accordance with the Vermont Rules of Civil Procedure, a person  
8 other than a family or household member as defined in 15 V.S.A. § 1101(2)  
9 may file a complaint for a temporary order against stalking or sexual assault.

10 ~~Such complaint~~ Stalking complaints shall be filed during regular court hours.

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

18 \* \* \*

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

20 (b) A defendant who attends a hearing held under section 5133 or 5134 of  
21 this title at which a temporary or final order under this chapter is issued and

1 who receives notice from the court on the record that the order has been issued  
2 shall be deemed to have been served. A defendant notified by the court on the  
3 record shall be required to adhere immediately to the provisions of the order.  
4 ~~However, even when the court has previously notified the defendant of the~~  
5 ~~order, the court shall transmit the order for additional service by a law~~  
6 ~~enforcement agency.~~ The clerk shall mail a copy of the order to the defendant  
7 at the defendant's last known address.

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

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

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

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

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

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

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

1    Sec. 4. EFFECTIVE DATE

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