



S.193 – Forensic Facility & Victims' Rights
Charlie Gliserman, Policy Director
April 16, 2026

Thank you for the opportunity to share recommendations to strengthen victims' rights within S.193. We respectfully request that your committee consider the following changes to support a victim's access to justice, safety, and healing.

Victim's Right to be Heard by the Court

S.193, as passed by the Senate, includes language (page 10, lines 7–9) ensuring a victim's right to be heard at any hearing held under Section 3, which governs procedures for individuals found not guilty by reason of insanity and their interactions with a forensic facility.

Providing victims the opportunity to speak directly to the court supports healing, restores a measure of agency within the criminal legal system, and helps ensure decisions are made with full awareness of the harm experienced.

To clarify and strengthen the implementation of this right, we propose the following additions, informed by existing criminal procedure and testimony on H.627:

- ***ADD:*** In accordance with court rules, at the hearing, the court shall ask if the victim is present and, if so, whether the victim would like to be heard. The court may consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed, either orally or in writing, views concerning the offense and preferences for the person's placement and care and may take those views into consideration.
- ***ADD:*** The victim has a right to be given advance notice by the prosecutor's office of the date of the proceedings.
- ***ADD:*** The court shall continue the hearing if the victim has not been provided with the notice required by this section.

Additionally, we understand that the existing language was intended to apply to hearings for individuals found not guilty by reason of insanity and for individuals found incompetent to stand trial. However, as drafted, it applies only to the former. **We request additional language to clarify that the right to be heard – and the related procedures – applies in both types of cases.**

Victim Notification and Forensic Facility

Access to timely information about significant changes in an individual's status – such as transfers or discharges – is essential for victims to make informed safety plans.

Existing statutes, including 13 V.S.A. § 4822, outline a victim's right to notification when a person is transferred from a hospital or secure residential facility to the community on an order of non-hospitalization. In a small state like Vermont, gaps in these notifications have resulted in victims

unexpectedly encountering the person who harmed them at work or in their own neighborhood – experiences that are destabilizing and retraumatizing.

Victims need consistent, reliable, and timely information to preserve their safety, and policies must ensure those rights are effectively realized.

We request that the committees **add language directing the Commissioner of Corrections, in consultation with the Departments of Health; Mental Health; and Disabilities, Aging, and Independent Living, to adopt rules on victim notification in S.193.** These rules should address:

- What events within the forensic facility will trigger victim notification.
- Which entity will provide the notification and by what methods.
- How victims will be informed of their right to receive notifications.
- What processes will allow victims to opt in to notifications – and to opt out of any or all notifications – to maximize victim choice.

Thank you for your time and consideration. We would be happy to provide additional information or testimony.