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H.27

Introduced by Representatives LaLonde of South Burlington and Nugent of
South Burlington

Referred to Committee on

Date:

Subject: Domestic relations; Domestic Violence Fatality Review Commission

Statement of purpose of bill as introduced: This bill proposes to expand the
scope of the Commission’s review to include near-fatal instances of domestic
violence; add new members to the Commission; and direct the persons who
have appointing authority to consider diversity when appointing members to
the Commission.

An act relating to the Domestic Violence Fatality Review Commission

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

Sec. 1. 15 V.S.A. § 1140 is amended to read:

§ 1140. DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

(a) The Domestic Violence Fatality Review Commission is established
within the Office of the Attorney General, in consultation with the Council on
Domestic Violence, for the following purposes:

(1) to examine the trends and patterns of domestic violence-related
fatalities and near-fatal instances of domestic violence in Vermont;

1 (2) to identify barriers to safety, the strengths and weaknesses in
2 communities, and systemic responses to domestic violence;

3 (3) to educate the public, service providers, and policymakers about
4 domestic violence fatalities and near-fatal instances of domestic violence and
5 strategies for intervention and prevention; and

6 (4) to recommend policies, practices, and services that will encourage
7 collaboration and reduce fatalities and near-fatal instances of domestic
8 violence due to domestic violence.

9 (b) The Commission is intended to reflect communities throughout
10 Vermont and appointing authorities shall strive to appoint persons from
11 different racial and ethnic backgrounds, persons with a disability, and persons
12 who identify as LGBTQ+. The Commission shall comprise ~~17~~ 22 members,
13 consisting of the following:

14 (1) the Attorney General or designee;

15 (2) the Commissioner of Health or designee;

16 (3) the Commissioner for Children and Families or designee;

17 (4) the Commissioner of Corrections or designee;

18 (5) the Commissioner of Public Safety or designee;

19 (6) the Chief Medical Examiner or designee;

1 (7) a State’s Attorney with experience prosecuting domestic violence
2 cases, appointed by the Executive Director of the Department of State’s
3 Attorneys and Sheriffs;

4 (8) the Defender General or designee;

5 (9) a member of the Vermont Coalition of Batterer Intervention
6 Services;

7 (10) a member of the Vermont Network Against Domestic and Sexual
8 Violence;

9 (11) a representative of the Vermont Council on Domestic Violence;

10 (12) a representative of local law enforcement, appointed by the
11 Governor;

12 (13) a victim or survivor of domestic violence, appointed by the
13 Vermont Network Against Domestic and Sexual Violence;

14 (14) a physician, appointed by the Governor;

15 (15) the Executive Director of the Vermont Criminal Justice Council or
16 designee;

17 (16) the Commissioner of Mental Health or designee; ~~and~~

18 (17) one judge, appointed by the Chief Justice of the Vermont Supreme
19 Court;

20 (18) a sheriff with experience and interest in combating domestic
21 violence, appointed by the Vermont Sheriffs’ Association;

1 (19) a restorative justice practitioner from a community justice center,
2 appointed by the Attorney General;

3 (20) the Director of Victim Services for the Vermont State Police or
4 designee;

5 (21) a state's attorney victim advocate, appointed by the Vermont
6 Center for Crime Victim Services; and

7 (22) the Director of Victim Services for the Department of Corrections
8 or designee.

9 (c) In any case subject to review by the Commission, upon written request
10 of the Commission, a person who possesses information or records that are
11 necessary and relevant to a domestic violence fatality or near-fatal incident
12 review shall, as soon as practicable, provide the Commission with the
13 information and records. A person who provides information or records upon
14 request of the Commission is not criminally or civilly liable for providing
15 information or records in compliance with this section. The Commission shall
16 review fatalities ~~which~~ and near-fatal incidents that are not under investigation
17 and fatalities and near-fatal incidents in cases that are postadjudication ~~which~~
18 that have received a final judgment.

19 (d) The proceedings and records of the Commission are confidential and
20 are not subject to subpoena, discovery, or introduction into evidence in a civil
21 or criminal action. The Commission shall disclose conclusions and

1 recommendations upon request, but may not disclose information, records, or
2 data that are otherwise confidential, such as autopsy records. The Commission
3 shall not use the information, records, or data for purposes other than those
4 designated by subsections (a) and (g) of this section.

5 (e) The Commission is authorized to require any person appearing before it
6 to sign a confidentiality agreement created by the Commission in order to
7 maintain the confidentiality of the proceedings. In addition, the Commission
8 may enter into agreements with nonprofit organizations and private agencies to
9 obtain otherwise confidential information.

10 (f) Commission meetings are confidential, and shall be exempt from
11 1 V.S.A. chapter 5, subchapter 2 (open meetings law). Commission records
12 are confidential; and shall be exempt from 1 V.S.A. chapter 5, subchapter 3
13 (public access to records).

14 (g) The Commission shall report its findings and recommendations to the
15 Governor, the General Assembly, the Chief Justice of the Vermont Supreme
16 Court, and the Vermont Council on Domestic Violence not later than the third
17 Tuesday in January of the first year of the biennial session. The report shall be
18 available to the public through the Office of the Attorney General. The
19 Commission may issue data or other information periodically, in addition to
20 the biennial report. The provisions of 2 V.S.A. § 20(d) (expiration of required
21 reports) shall not apply to the report to be made under this subsection.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on passage.