



H.223 – Protections Against Device-Related Stalking & Promoting Vehicle Safety

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Thank you for the invitation to speak with the committee today. On behalf of the Vermont Network and our 15 Member Organizations, I am pleased to testify in support of H.223, which includes protections against device-related stalking and provisions to improve vehicle access and safety for survivors of violence.

As technology evolves, our laws must respond with new safeguards to protect survivors' safety and privacy. H.223 is an example of this principle in action. I would like to highlight three key components of H.223 and their impact on survivors of violence.

1. *Protections for Users of Connected Vehicles*

A connected vehicle is a modern car paired with a smartphone app to allow users to track a car's location and remotely control some features – like the car alarm or AC – from their phone. These features can be used remotely, without physical access to the vehicle, and often without the driver's knowledge.

In 2023, the New York Times published ["Your Car Is Tracking You. Abusive Partners May Be, Too."](#) This article illustrated how connected vehicles can be weaponized to stalk and harass survivors, as well as the barriers survivors faced when attempting to remove an abusive partner's remote access to their vehicle.

In response, California and New York passed legislation that requires automakers to enable drivers to remove an abusive partner's remote access to their vehicle. We support passage of similar safeguards in Vermont, like those included in H.223.

2. *Requesting Primary Possession of a Vehicle in a Domestic Violence Protection Order*

Domestic violence protection orders are a critical legal tool for survivors of domestic violence. They are civil court orders requested directly by a victim (plaintiff). If granted, the orders offer important protective measures, including requiring a perpetrator of violence to maintain physical distance from a survivor.

When applying for an order, survivors can request various forms of relief from the court to keep themselves and their loved ones safe. The statute explicitly lists forms of relief available to survivors, including primary possession of a residence, pets, or children.

Currently, the statute doesn't explicitly list primary possession of vehicle as a form of relief. We support explicitly adding it, as a vehicle can be a lifeline for survivors in escaping violence and leading independent lives immediately afterwards. This is especially important in rural regions of our state where vehicles are essential to maintaining employment and child care.

3. Updating Definitions of Device-Related Stalking

The definition of stalking in Vermont's civil stalking protection order statute requires a "course of conduct" – meaning two or more acts over a period of time, no matter how short – to establish a pattern that meets the threshold for a protection order.

We have received feedback from advocates in our field that it can be challenging to apply this definition in cases of device-related stalking. For example, when a device, like an Airtag or tracking app, is placed once and then used to continuously surveil over a long period of time, there has been confusion on whether those activities meet the definition of a "course of conduct".

This has left survivors of serious device-related stalking without the protective measures they need. We support revising Vermont's civil stalking protection order statute to better capture the evolving realities of digital surveillance and device-related stalking.

The definition updated in the current draft is the definition of criminal stalking found in Title 13. We would suggest that the committee instead consider updating the civil stalking definition in 12 V.S.A. §5131.

In addition, we would like to note Section 2 of H.223 includes a criminal offense for placing or using an electronic tracking device on a person's vehicle without their consent, with some exceptions. We need additional time to consider our position on this component of the bill and look forward to hearing from the Department of State's Attorneys and the Defender General's Office on this section of the bill.

We are continuing to discuss H.223 with stakeholders. After listening to today's testimony, we may request to return to the committee with suggested changes.

Thank you for the opportunity to testify today and the Committee's attention to these important issues. We would be happy to answer any questions.