

Title 13 : Crimes and Criminal Procedure

Chapter 165 : Victims

(Cite as: 13 V.S.A. § 5301)

§ 5301. Definitions

As used in this chapter:

(1) “Disposition” means the sentencing or determination of penalty or punishment to be imposed upon a person convicted of a crime or against whom a finding of sufficient facts for conviction is made.

(2) “Family member” means a spouse, child, sibling, parent, next of kin, domestic partner, or legal guardian of a victim.

(3) “Restitution” means money or services that a court orders a defendant to pay or render to a victim as a part of the disposition.

(4) “Victim” means a person who sustains physical, emotional, or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency and shall also include the family members of a minor, a person who has been found to be incompetent, or a homicide victim.

(5) “Affected person” means any of the following persons who has requested notification in writing from the court or the Department of Corrections:

(A) witnesses;

(B) jurors;

(C) family members who are not covered by subdivision (4) of this section;

(D) any other persons who demonstrate to the court that the release or escape of a defendant will constitute a threat of physical, emotional, or financial injury or death.

(6) “Release” means release from a correctional facility to furlough or to probation or parole supervision, release from a correctional facility upon expiration of sentence or release from a correctional facility on bail after the defendant’s initial appearance.

(7) “Listed crime” means any of the following offenses:

(A) stalking as defined in section 1062 of this title;

(B) aggravated stalking as defined in subsection 1063(b) of this title;

- (C) domestic assault as defined in section 1042 of this title;
- (D) first degree aggravated domestic assault as defined in section 1043 of this title;
- (E) second degree aggravated domestic assault as defined in section 1044 of this title;
- (F) sexual assault as defined in section 3252 of this title or its predecessor as it was defined in section 3201 or 3202 of this title;
- (G) aggravated sexual assault as defined in section 3253 of this title;
- (H) lewd or lascivious conduct as defined in section 2601 of this title;
- (I) lewd or lascivious conduct with a child as defined in section 2602 of this title;
- (J) murder as defined in section 2301 of this title;
- (K) aggravated murder as defined in section 2311 of this title;
- (L) manslaughter as defined in section 2304 of this title;
- (M) aggravated assault as defined in section 1024 of this title;
- (N) assault and robbery with a dangerous weapon as defined in subsection 608(b) of this title;
- (O) arson causing death as defined in section 501 of this title;
- (P) assault and robbery causing bodily injury as defined in subsection 608(c) of this title;
- (Q) maiming as defined in section 2701 of this title;
- (R) kidnapping as defined in section 2405 of this title or its predecessor as it was defined in section 2401 of this title;
- (S) unlawful restraint in the second degree as defined in section 2406 of this title;
- (T) unlawful restraint in the first degree as defined in section 2407 of this title;
- (U) recklessly endangering another person as defined in section 1025 of this title;
- (V) violation of abuse prevention order as defined in section 1030 of this title, excluding violation of an abuse prevention order issued pursuant to 15 V.S.A. § 1104 (emergency relief) or 33 V.S.A. § 6936 (emergency relief);
- (W) operating vehicle under the influence of alcohol or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(f) and (g);

(X) negligent or grossly negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);

(Y) leaving the scene of an accident with serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c);

(Z) burglary into an occupied dwelling as defined in subsection 1201(c) of this title;

(AA) the attempt to commit any of the offenses listed in this section;

(BB) abuse (section 1376 of this title), abuse by restraint (section 1377 of this title), neglect (section 1378 of this title), sexual abuse (section 1379 of this title), financial exploitation (section 1380 of this title), and exploitation of services (section 1381 of this title);

(CC) aggravated sexual assault of a child in violation of section 3253a of this title;

(DD) human trafficking in violation of section 2652 of this title; and

(EE) aggravated human trafficking in violation of section 2653 of this title. (Added 1985, No. 182 (Adj. Sess.), § 2, eff. Sept. 1, 1986; amended 1989, No. 290 (Adj. Sess.), § 1; 1995, No. 170 (Adj. Sess.), § 5, eff. Sept. 1, 1996; 1999, No. 4, § 1; 2005, No. 79, § 3; 2009, No. 1, § 13a, eff. March 4, 2009; 2009, No. 58, § 3; 2011, No. 55, § 6; 2013, No. 96 (Adj. Sess.), § 59; 2015, No. 133 (Adj. Sess.), § 3, eff. May 25, 2016; 2017, No. 83, § 161(3); 2021, No. 58, § 1.)