

1 H.27

2 An act relating to the Domestic Violence Fatality Review Commission

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

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

5 § 1140. DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

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

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

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

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

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

19 (b) The Commission is intended to reflect communities throughout  
20 Vermont and appointing authorities shall strive to appoint persons from  
21 different racial and ethnic backgrounds, persons with a disability, and persons

1 who identify as LGBTQ+. The Commission shall comprise ~~17~~ 23 members,

2 consisting of the following:

3 (1) the Attorney General or designee;

4 (2) the Commissioner of Health or designee;

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

6 (4) the Commissioner of Corrections or designee;

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

8 (6) the Chief Medical Examiner or designee;

9 (7) a State's Attorney with experience prosecuting domestic violence

10 cases, appointed by the Executive Director of the Department of State's

11 Attorneys and Sheriffs;

12 (8) the Defender General or designee;

13 (9) a member of the Vermont Coalition of Batterer Intervention

14 Services;

15 (10) a member of the Vermont Network Against Domestic and Sexual

16 Violence;

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

18 (12) a representative of local law enforcement, appointed by the

19 Governor;

20 (13) a victim or survivor of domestic violence, appointed by the

21 Vermont Network Against Domestic and Sexual Violence;

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

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

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

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

7 (18) a sheriff with experience and interest in combating domestic  
8 violence, appointed by the Vermont Sheriffs' Association;

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

11 (20) the Director of Victim Services for the Vermont State Police or  
12 designee;

13 (21) the Executive Director of the Vermont Center for Crime Victim  
14 Services or designee;

15 (22) a State's Attorney victim advocate, appointed by the Executive  
16 Director of the Department of State's Attorneys and Sheriffs; and

17 (23) the Director of Victim Services for the Department of Corrections  
18 or designee.

19 (c) In any case subject to review by the Commission, upon written request  
20 of the Commission, a person who possesses information or records that are  
21 necessary and relevant to a domestic violence fatality or near-fatal incident

1 review shall, as soon as practicable, provide the Commission with the  
2 information and records. A person who provides information or records upon  
3 request of the Commission is not criminally or civilly liable for providing  
4 information or records in compliance with this section. The Commission shall  
5 review fatalities ~~which~~ and near-fatal incidents that are not under investigation  
6 and fatalities and near-fatal incidents in cases that are postadjudication ~~which~~  
7 that have received a final judgment.

8 (d) The proceedings and records of the Commission are confidential and  
9 are not subject to subpoena, discovery, or introduction into evidence in a civil  
10 or criminal action. The Commission shall disclose conclusions and  
11 recommendations upon request, but may not disclose information, records, or  
12 data that are otherwise confidential, such as autopsy records. The Commission  
13 shall not use the information, records, or data for purposes other than those  
14 designated by subsections (a) and (g) of this section.

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

20 (f) Commission meetings are confidential, and shall be exempt from  
21 1 V.S.A. chapter 5, subchapter 2 (open meetings law). Commission records

1 are confidential, and shall be exempt from 1 V.S.A. chapter 5, subchapter 3  
2 (public access to records).

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

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on passage.