

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 9
3 entitled “An act relating to after-hours access to orders against sexual assault”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 12 V.S.A. § 5136(b) is amended to read:

8 (b)(1) The Court Administrator is authorized to contract with public or
9 private agencies to assist plaintiffs to seek relief and to gain access to Superior
10 Court. Law enforcement agencies shall assist in carrying out the intent of this
11 section.

12 (2) The Court Administrator shall establish procedures to ensure access
13 to orders against sexual assault after regular court hours or on weekends and
14 holidays in accordance with subdivisions (A)–(D) of this subdivision.

15 (A) The court shall designate an authorized person to receive requests
16 for ex parte emergency relief orders against sexual assault submitted after
17 regular court hours pursuant to section 5134 of this title, including requests
18 made by reliable electronic means according to the procedures in this
19 subdivision (2).

20 (B) If a secure setting is not available for processing an ex parte
21 emergency relief order against sexual assault submitted after regular court

1 hours, or if the authorized person determines that electronic submission is
2 appropriate under the circumstances, the authorized person shall inform the
3 applicant that a complaint and affidavit may be submitted electronically.

4 (C) The affidavit shall be sworn to or affirmed by administration of
5 the oath over the telephone to the applicant by the authorized person and shall
6 conclude with the following statement: “I declare under the penalty of perjury
7 pursuant to the laws of the State of Vermont that the foregoing is true and
8 accurate. I understand that making false statements is a crime subject to a term
9 of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904.” The
10 authorized person shall note on the affidavit the date and time that the oath was
11 administered.

12 (D) The authorized person shall communicate the contents of the
13 complaint and affidavit to a judicial officer telephonically or by reliable
14 electronic means. The judicial officer shall decide whether to grant or deny the
15 complaint and issue the order solely on the basis of the contents of the affidavit
16 or affidavits provided. The judicial officer shall communicate the decision to
17 the authorized person, who shall communicate it to the applicant. If the order
18 is issued, it shall be delivered to the appropriate law enforcement agency for
19 service and to the holding station.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on September 1, 2025.

1
2
3
4
5
6
7
8
9
10
11

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE