

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H 103 Name of Bill: Act relating to physiological abuse

Agency/Dept: VSP Author of Bill Sgt. Mike Aamodt
Review: _____

Date of Bill Review: 03-13-15 Related Bills and Key Players: Representative Maida Townsend

Status of Bill: (check one)

X Upon Introduction _____ As passed by 1st body _____ As passed by both bodies

Recommended Position:

_____ Support _____ Oppose X Remain Neutral _____ Support with modifications identified in # 8 below

Analysis of Bill

1. Summary of bill and issue it addresses.

The bill proposes to allow a person to obtain a relief from abuse order against a family or household member based on psychological abuse.

2. Is there a need for this bill?

The idea for the bill could be beneficial but there should be some modifications to narrow the definition.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

This bill as proposed would make it easier for people to obtain a TRO. The implications for this department would be Troopers spending more time serving these orders and then enforcing. When these orders need to be served it takes away time spent on other law enforcement duties

Sgt. Joe Paquette is a patrol commander out of the St. Albans office and was asked about this bill. Paquette advised that the office gets several orders weekly to serve now and this bill would generate more. Paquette advised that the ability to serve these orders is time consuming and can take several attempts to be performed due to various circumstances. Paquette advised that serving an order can take up to forty five minutes of driving each attempt by the officer. Paquette advised that orders are a necessity for victims and law enforcement, but adding the language as stated could potentially flood the system with orders.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

Evan Hill a court clerk in Grand Isle County reviewed the bill and could not imagine the impact it would have on the judiciary and police agencies. Hill advised that the flood gates might open stating that people have no idea how many people would seek a TRO. Hill advised she thought it would be even worse for courts in larger districts.

Samantha Allen who is a victim's advocate advised that she has seen countless attempts by individuals to obtain TRO's due to psychological abuse to be more detrimental than physical abuse. Allen advised that these requests for orders have been denied because there were no serious threats or physical injuries. Allen advised that many of the victims she works with say their cases start with psychological abuse.

Heather Brochu who works for the Franklin County States Attorney as an assistant prosecutor reviewed the bill and advised that the bill is too broad and would prove difficult in enforcing, but did support the concept.

The bill would have an impact on the entire justice system. The police, the courts, and the correctional system would all need more resources due to the increase in cases that would be generated with this bill as it stands now. The bill would allow for more TRO's to be issued which then translates into more violations of them which is a criminal offense.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?

Chief Leonard Stell of the Swanton Police Department advised that on the surface the bill seems ok however he could see the potential for a lot of abuse in people applying for orders and having them granted.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Police agencies, states attorneys, court systems, and corrections would all support this bill because it has the potential to stop physical abuse before it starts.

6.2 Who else is likely to oppose the proposal and why?

The same agencies listed above would oppose the bill because the language is open to interpretation and needs to be more specific and define psychological abuse.

7. Rationale for recommendation:

The bill as proposed does not give a threshold for people to follow that would be issuing these orders. Without that change it would be open for interpretation and should be more narrowed and defined so this would lessen the chance of being misused. People have different tolerances for physiological abuse and the bill should be revised to give a minimum expectation for orders to be issued.

8. Specific modifications that would be needed to recommend support of this bill:

Same as above

9. Gubernatorial appointments to board or commission?

N/A

Secretary/Commissioner has reviewed this document

A handwritten signature in blue ink, appearing to be "K. Gray", is written over a faint rectangular stamp.

Date: 4/6/15