

Journal of the Senate

TUESDAY, MARCH 21, 2023

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President *pro tempore* then led the members of the Senate in the pledge of allegiance.

Bills Referred to Committee on Finance

Senate bills of the following titles, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule were severally referred to the Committee on Finance:

S. 25. An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances.

S. 33. An act relating to miscellaneous judiciary procedures.

S. 56. An act relating to child care and early childhood education.

S. 80. An act relating to miscellaneous environmental conservation subjects.

S. 135. An act relating to the establishment of VT Saves.

Bills Referred to Committee on Appropriations

Senate bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee on Appropriations:

S. 17. An act relating to sheriff reforms.

S. 27. An act relating to reducing the imposition of cash bail.

S. 30. An act relating to creating a Sister State Program.

S. 39. An act relating to compensation and benefits for members of the Vermont General Assembly.

S. 42. An act relating to divestment of State pension funds of investments in the fossil fuel industry.

S. 102. An act relating to expanding employment protections and collective bargaining rights.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 20.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Baruth,

J.R.S. 20. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 24, 2023, it be to meet again no later than Tuesday, March 28, 2023.

Committee Bills Introduced

Senate committee bills of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 137.

By the Committee on Natural Resources and Energy,

An act relating to energy efficiency modernization.

S. 138.

By the Committee on Education,

An act relating to school safety.

S. 139.

By the Committee on Government Operations,

An act relating to the modernization of public safety communications in Vermont.

Bill Referred

House bill of the following title was read the first time and referred:

H. 175.

An act relating to modernizing the Children and Family Council for Prevention Programs.

To the Committee on Judiciary.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 6. An act relating to custodial interrogation of juveniles.

S. 65. An act relating to commercial insurance coverage of epinephrine auto-injectors.

S. 93. An act relating to the sales tax exemption for advanced wood boilers.

S. 104. An act relating to designating August 31 as Overdose Awareness Day.

Joint Resolution Adopted on the Part of the Senate**J.R.S. 19.**

Joint Senate resolution of the following title was read the third time and adopted on the part of the Senate:

Joint resolution relating to State lands transactions in Jamaica State Park and Coolidge State Forest.

Bill Amended; Third Reading Ordered**S. 99.**

Senate committee bill entitled:

An act relating to miscellaneous changes to laws related to vehicles.

Having appeared on the Calendar for notice for one day, was taken up.

Senator Chittenden, for the Committee on Finance, to which the bill was referred, reported the bill ought to pass.

Senator Perchlik, for the Committee on Appropriations, to which the bill was referred, reported the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and, pending the question, Shall the bill be read a third time?, Senators Chittenden, Kitchel, Ingalls, Mazza and Perchlik moved that the bill be amended as follows:

First: In Sec. 21, 23 V.S.A. § 1221, by striking out subdivisions (a)(3) and (4) in their entirety

Second: In Sec. 21, 23 V.S.A. § 1221, in subsections (b) and (c), by striking out “State or town”

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Third Reading Ordered

S. 35.

Senator McCormack, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to the Town of Hartford’s tax increment financing district.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Bill Amended; Third Reading Ordered

S. 36.

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to permitting an arrest without a warrant for assaults and threats against health care workers and disorderly conduct at health care facilities.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to read:

Rule 3. Arrest Without a Warrant; Citation to Appear

* * *

(c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe:

* * *

(8) The person has committed a misdemeanor which involves an assault against a family member, or against a household member, as defined in 15 V.S.A. § 1101(2), or a child of such a family or household member.

* * *

(14) The person has violated 13 V.S.A. § 1023 (simple assault).

* * *

(18) The person has committed a misdemeanor that involves an assault against a health care worker in a health care facility as those terms are defined in 13 V.S.A. § 1028(d).

(19) The person has violated 13 V.S.A. § 1702 (criminal threatening) against a health care worker in a health care facility as those terms are defined in 13 V.S.A. § 1028(d).

(20) The person has committed a violation of 13 V.S.A. § 1026 (disorderly conduct) that interfered with the provision of medically necessary health care services in a health care facility as defined in 13 V.S.A. § 1028(d).

Sec. 2. 18 V.S.A. § 1883 is added to read:

§ 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION
REQUIRED

When an authorized representative of a health care facility that operates as a covered entity requests that a law enforcement officer respond to and potentially arrest a patient for an alleged crime committed on the premises, the facility shall disclose to the law enforcement officer information that is sufficient to confirm whether the patient is medically cleared so that the patient may be removed from the facility and shall disclose any other information that will be necessary for purposes of safely taking custody of the patient.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Senator Weeks, for the Committee on Health and Welfare, to which the bill was referred, reported recommending that bill be amended as recommended by the Committee on Judiciary with the following amendment thereto:

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to read:

Rule 3. Arrest Without a Warrant; Citation to Appear

* * *

(c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe:

* * *

(8) The person has committed a misdemeanor which involves an assault against a family member, or against a household member, as defined in 15 V.S.A. § 1101(2), or a child of such a family or household member.

* * *

(14) The person has violated 13 V.S.A. § 1023 (simple assault).

* * *

(18) The person has committed a misdemeanor that involves an assault against a health care worker in a health care facility as those terms are defined in 13 V.S.A. § 1028(d).

(19) The person has violated 13 V.S.A. § 1702 (criminal threatening) against a health care worker in a health care facility as those terms are defined in 13 V.S.A. § 1028(d).

(20) The person has committed a violation of 13 V.S.A. § 1026(a)(1) (disorderly conduct for engaging in fighting or in violent, tumultuous, or threatening behavior) that interfered with the provision of medically necessary health care services in a health care facility as defined in 13 V.S.A. § 1028(d).

Sec. 2. 13 V.S.A. § 1702 is added to read:

§ 1702. CRIMINAL THREATENING

(a) A person shall not by words or conduct knowingly:

(1) threaten another person or a group of particular persons; and

(2) as a result of the threat, place the other person in reasonable apprehension of death, serious bodily injury, or sexual assault to the other person, a person in the group of particular persons, or any other person.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

* * *

(f) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence the conduct of a candidate for public office, a public servant, an election official, or a public employee in any decision, opinion, recommendation, vote, or other exercise of discretion taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, or with the intent to retaliate against a candidate for public office, a public servant, an election official, or a public employee for any previous action taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(g) A person who violates subsection (a) of this section with the intent to terrify or intimidate a health care worker because of the worker's previous action or inaction taken in the provision of health care services shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(h) As used in this section:

(1) "Serious bodily injury" has the same meaning as in section 1021 of this title.

(2) "Threat" and "threaten" do not include constitutionally protected activity.

(3) "Candidate" has the same meaning as in 17 V.S.A. § 2103.

(4) "Election official" has the same meaning as in 17 V.S.A. § 2455.

(5) "Public employee" means a classified employee within the Legislative, Executive, or Judicial Branch of the State and any of its political subdivisions and any employee within a county or local government and any of the county's or local government's political subdivisions.

(6) "Public servant" has the same meaning as in 17 V.S.A. § 2103.

(7) "Polling place" has the same meaning as described in 17 V.S.A. chapter 51, subchapter 4.

(8) "Sexual assault" has the same meaning as sexual assault as described in section 3252 of this title.

(9) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(10) "Health care worker" has the same meaning as in section 1028 of this title.

~~(h)~~(i) Any person charged under this section who is younger than the age identified in 33 V.S.A. § 5201(d) shall be subject to a juvenile proceeding.

Sec. 3. 18 V.S.A. § 1883 is added to read:

§ 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION
REQUIRED

When an authorized representative of a health care facility that operates as a covered entity requests that a law enforcement officer respond to and potentially arrest a patient for an alleged crime committed on the premises, the facility shall disclose to the law enforcement officer information that is sufficient to confirm whether the patient is medically cleared so that the patient may be removed from the facility and shall disclose any other information that will be necessary for purposes of safely taking custody of the patient.

Sec. 4. REPORT ON DE-ESCALATION

On or before January 15, 2024, the Vermont Program for Quality in Health Care, in consultation with stakeholders, shall provide a report to the Senate Committee on Health and Welfare and the House Committee on Health Care regarding de-escalation of potentially violent situations in health care facilities. With a health equity impact informed lens, the report shall include best practices for de-escalation, the types of de-escalation practices currently in use, barriers to training, and recommendations for appropriate policy improvements.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of the Committee on Judiciary was amended as recommended by the Committee on Health and Welfare.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Judiciary, as amended? was agreed to and third reading of the bill was ordered.

Joint Resolution Adopted in Concurrence

J.R.H. 3.

Joint House resolution entitled:

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 29, 2023.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Adjournment

On motion of Senator Mazza, the Senate adjourned until eleven o'clock in the morning on Wednesday, March 22, 2023.