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H.225

Introduced by Representatives Masland of Thetford, Donahue of Northfield,
Batchelor of Derby, Branagan of Georgia, Browning of
Arlington, Clarkson of Woodstock, Consejo of Sheldon, Davis
of Washington, Devereux of Mount Holly, Evans of Essex,
Fisher of Lincoln, Haas of Rochester, Hooper of Montpelier,
Kupersmith of South Burlington, Lanpher of Vergennes, Lenes
of Shelburne, Lewis of Berlin, Macaig of Williston, Marcotte of
Coventry, Martin of Springfield, Moran of Wardsboro, Pearson
of Burlington, Ram of Burlington, Sharpe of Bristol, Shaw of
Derby, Stevens of Waterbury, Till of Jericho, Townsend of
Randolph, Townsend of South Burlington, Weed of Enosburgh,
Yantachka of Charlotte, and Zagar of Barnard

Referred to Committee on

Date:

Subject: Internal security and public safety; training of law enforcement
officers; electronic control device certification training

Statement of purpose of bill as introduced: This bill proposes to establish a
statewide policy on the training requirements for electronic control devices;
authorize the Criminal Justice Training Council to develop regulations and
training for electronic control devices; and require coordination of training for

1 the use of electronic control devices between the Criminal Justice Training
2 Council and the Department of Mental Health.

3 An act relating to a statewide policy on the use of and training requirements
4 for electronic control devices

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

6 Sec. 1. 20 V.S.A. § 2367 is added to read:

7 § 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES;

8 REPORTING

9 (a) The Department of Public Safety shall establish a statewide policy on
10 the use of and training requirements for electronic control devices. The policy
11 shall include the following provisions:

12 (1) Electronic control devices are alternatives to lethal force but are not
13 nonlethal.

14 (2) Electronic control devices shall be limited to use under the same
15 standards that justify the use of lethal force or that will directly reduce an
16 imminent risk of a person's death through self-harm.

17 (3) Electronic control devices shall not be used for the primary purpose
18 of subduing an individual, of obtaining compliance, or as punishment.

19 (4) The use of electronic control devices shall comply with all
20 recommendations by manufacturers for the reduction of risk of injury to

1 subjects, including situations where a subject's physical susceptibilities are
2 known.

3 (5) The use of electronic control devices shall include recognition of the
4 heightened risk that misuse can result from situations in which subjects have
5 cognitive disabilities or are in emotional crises that interfere with the ability to
6 understand consequences of action. These circumstances require steps to
7 prevent unwarranted use of electronic control devices.

8 (b) The Criminal Justice Training Council shall adopt rules and develop
9 training to ensure that the policies and standards of this section are met. The
10 Criminal Justice Training Council shall ensure that a law enforcement officer
11 receives appropriate and sufficient training before becoming authorized to
12 carry or use an electronic control device.

13 (c) The Criminal Justice Training Council shall coordinate training
14 initiatives with the Department of Mental Health related to law enforcement
15 interventions, training for joint law enforcement and mental health crisis team
16 responses, and enhanced capacity for mental health emergency responses.

17 (d) The Attorney General's Office shall report annually on or before
18 December 15 to the General Assembly on all incidents involving the use of an
19 electronic control device, a review of compliance with standards under this
20 section, the adequacy of certification requirements established under this

1 section, and the adequacy of funding for the mental health collaboration
2 required by this section.

3 (e) As used in this section:

4 (1) "Electronic control device" means a device primarily designed to
5 disrupt an individual's central nervous system by means of deploying electrical
6 energy sufficient to cause uncontrolled muscle contractions and override an
7 individual's voluntary motor responses.

8 (2) "Law enforcement officer" means a sheriff, deputy sheriff,
9 constable, police officer, state's attorney, capitol police officer, state game
10 warden, state police officer, or certified law enforcement officer of the
11 Department of Motor Vehicles, the Agency of Natural Resources, or the
12 Department of Liquor Control.

13 Sec. 2. REPORTS

14 (a) On or before December 15, 2013, the Criminal Justice Training Council
15 shall report to the General Assembly on the progress made implementing the
16 rules, training, and certification standards required by this act.

17 (b) On or before December 15, 2013, the Department of Mental Health
18 shall report to the General Assembly on the adequacy of funding to support the
19 requirements of this act.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2013.