

1 S.45

2 Introduced by Senator Hartwell

3 Referred to Committee on

4 Date:

5 Subject: Crimes; government operations; surveillance; prohibition; exceptions

6 Statement of purpose of bill as introduced: This bill proposes to prohibit,
7 subject to certain exceptions, surveillance by persons acting under the authority
8 of the State or an instrumentality or political subdivision thereof unless
9 specifically authorized by law.

10 An act relating to government surveillance activities

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

12 Sec. 1. 13 V.S.A. chapter 68 is added to read:

13 CHAPTER 68. GOVERNMENT SURVEILLANCE

14 § 350. DEFINITION

15 As used in this chapter:

16 (1) "Recording" means the storage of information in a format that
17 enables the information to be retrieved in perceivable form.

18 (2) "Surveillance" means the recording of the activities of another
19 person without his or her consent.

1 § 351. PROHIBITION ON SURVEILLANCE; EXCEPTIONS; PENALTY

2 (a) General prohibition. An employee, officer, agent, or member acting
3 under the authority of an agency, board, department, commission, committee,
4 branch, instrumentality, or authority of the State or a political subdivision
5 thereof shall not engage in surveillance unless the surveillance activity is
6 specifically authorized by law.

7 (b) Exceptions. The prohibition set forth in subsection (a) of this section
8 shall not apply if surveillance is:

9 (1) incidental to the monitoring for security purposes of real property
10 under the control of the State or an instrumentality or political subdivision
11 thereof;

12 (2) undertaken on a case-by-case basis in connection with lawful
13 investigation and enforcement activities; or

14 (3) authorized or required by a court order.

15 (c) Penalty. A person who knowingly violates this section shall be subject
16 to a fine of up to \$5,000.00 or a term of imprisonment of up to one year, or
17 both.

18 Sec. 2. EFFECTIVE DATE

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