

1 S.148

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Public records; criminal investigation records; exemption from
5 disclosure

6 Statement of purpose of bill as introduced: This bill proposes, for purposes of
7 determining when records dealing with the detection and investigation of crime
8 are exempt from disclosure under the Vermont Public Records Act, to adopt a
9 standard nearly identical to the federal Freedom of Information Act standard.

10 An act relating to criminal investigation records and the Vermont Public
11 Records Act

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

13 Sec. 1. 1 V.S.A. § 317 is amended to read:

14 § 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND
15 DOCUMENTS

16 * * *

17 (c) The following public records are exempt from public inspection and
18 copying:

19 * * *

1 (5)(A) records dealing with the detection and investigation of crime,
2 ~~including those maintained on any individual or compiled in the course of a~~
3 ~~criminal or disciplinary investigation by any police or professional licensing~~
4 ~~agency; but only to the extent that the production of such records:~~

5 (i) could reasonably be expected to interfere with enforcement
6 proceedings;

7 (ii) would deprive a person of a right to a fair trial or an impartial
8 adjudication;

9 (iii) could reasonably be expected to constitute an unwarranted
10 invasion of personal privacy;

11 (iv) could reasonably be expected to disclose the identity of a
12 confidential source, including a state, local, or foreign agency or authority or
13 any private institution which furnished information on a confidential basis,
14 and, in the case of a record or information compiled by criminal law
15 enforcement authority in the course of a criminal investigation or by an agency
16 conducting a lawful national security intelligence investigation, information
17 furnished by a confidential source;

18 (v) would disclose techniques and procedures for law enforcement
19 investigations or prosecutions, or would disclose guidelines for law
20 enforcement investigations or prosecution if such disclosure could reasonably
21 be expected to risk circumvention of the law;

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.