PUBLIC RECORDS STUDY COMMITTEE
FULL TEXT OF EXEMPTIONS TO BE REVIEWED IN 2014

I. General Government, Misc

III. Criminal Justice, Public Safety

I. General Government, Misc

1. 1 V.S.A. § 313(a): Minutes of executive sessions

§ 313. EXECUTIVE SESSIONS

(a) No public body may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, shall not be made public subject to subsection 312(b) of this title. A public body may not hold an executive session except to consider one or more of the following:

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2. 1 V.S.A. § 317(c)(10): Lists of names, disclosure of which violates a right to privacy or produces gain

(10) lists of names compiled or obtained by a public agency when disclosure would violate a person's right to privacy or produce public or private gain; provided, however, that this section does not apply to lists which are by law made available to the public, or to lists of professional or occupational licensees;

3. 1 V.S.A. § 317(c)(12): Records concerning formulation of policy, where disclosure would violate a right to privacy

(12) records concerning formulation of policy where such would constitute a clearly unwarranted invasion of personal privacy, if disclosed;

4. 1 V.S.A. § 317(c)(14): Records relevant to litigation

(14) records which are relevant to litigation to which the public agency is a party of record, provided all such matters shall be available to the public after ruled discoverable by the court before which the litigation is pending, but in any event upon final termination of the litigation;

5. 1 V.S.A. § 317(c)(15): Records relating to contract negotiations

(15) records relating specifically to negotiation of contracts including collective bargaining agreements with public employees;

6. 1 V.S.A. § 317(c)(17): Municipal inter- and intra-departmental communications preliminary to a policy determination

(17) records of interdepartmental and intradepartmental communications in any county, city, town, village, town school district, incorporated school district, union school district, consolidated water district, fire district, or any other political subdivision of the State to the extent that they cover other than primarily factual materials and are preliminary to any determination of policy or action or precede the presentation of the budget at a meeting held in accordance with section 312 of this title;

7. 1 V.S.A. § 317(c)(24): Deliberations of agencies acting in judicial or quasi-judicial capacity

(24) records of, or internal materials prepared for, the deliberations of any public agency acting in a judicial or quasi-judicial capacity;

8. 3 V.S.A. § 131: Professional disciplinary complaints, proceedings, or records produced or acquired by the Secretary of State

§ 131. ACCESSIBILITY AND CONFIDENTIALITY OF DISCIPLINARY MATTERS

(a) It is the purpose of this section both to protect the reputation of licensees from public disclosure of unwarranted complaints against them, and to fulfill the public's right to know of any action taken against a licensee when that action is based on a determination of unprofessional conduct.

(b) All meetings and hearings of boards shall be open to the public, except in accord with 1 V.S.A. § 313.

(c) The Secretary of State, through the Office of Professional Regulation, shall prepare and maintain a register of all complaints, which shall be a public record and which shall show:

(1) with respect to all complaints, the following information:

(A) the date and the nature of the complaint, but not including the identity of the licensee; and

(B) a summary of the completed investigation; and

(2) only with respect to complaints resulting in filing of disciplinary charges or stipulations or the taking of disciplinary action, the following additional information:

(A) the name and business addresses of the licensee and complainant;

(B) formal charges, provided that they have been served or a reasonable effort to serve them has been made;

(C) the findings, conclusions, and order of the board;

(D) the transcript of the hearing, if one has been made, and exhibits admitted at the hearing;

(E) stipulations filed with the board; and

(F) final disposition of the matter by the appellate officer or the courts.

(d) Neither the Secretary nor the Office shall make public any information regarding disciplinary complaints, proceedings or records except the information required to be released under this section.

(e) A licensee or applicant shall have the right to inspect and copy all information in the possession of the Office pertaining to the licensee or applicant, except investigatory files which have not resulted in charges of unprofessional conduct and attorney work product.

(f) For the purposes of this section, "disciplinary action" means action that suspends, revokes, limits, or conditions a license in any way, and includes warnings and reprimands.

(g) Nothing in this section shall prohibit the disclosure of information regarding disciplinary complaints to state or federal law enforcement agencies, the Department of Disabilities, Aging, and Independent Living, or the Department of Financial Regulation in the course of their investigations, provided the agency or department agrees to maintain the confidentiality and privileged status of the information as provided in subsection (d) of this section.

9. 3 V.S.A. § 316: Records of the Department of Human Resources where public policy properly requires them to be confidential

§ 316. RECORDS OF THE DEPARTMENT OF HUMAN RESOURCES

The records of the department, except such records as the rules may properly require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection, subject to reasonable regulations as to the time and manner of inspection as may be prescribed by the commissioner.

10. 3 V.S.A. § 2222b(c): Plans submitted to Secretary of Administration for construction or installation of cables, wires, or telecommunications facilities

[Repealed as of July 1, 2015, per 2014 Acts & Resolves No. 190, Sec. 13]
§ 2222b. TELECOMMUNICATIONS; COORDINATION AND PLANNING

(a) The Secretary of Administration or designee shall be responsible for the coordination of telecommunications initiatives among Executive Branch agencies, departments, and offices.

(b) In furtherance of the goals set forth in 30 V.S.A. § 8060(b), the Secretary shall have the following duties:

(1) from information reasonably available after public notice to and written requests made of mobile telecommunications and broadband service providers, to develop and maintain an inventory of locations at which mobile telecommunications and broadband services are not available within the State, develop and maintain an inventory of infrastructure that is available or reasonably likely to be available to support provision of services to unserved areas, and develop and maintain an inventory of infrastructure necessary for provision of these services to the unserved areas;

(2) to identify the types and locations of infrastructure and services needed to accomplish the goals of this chapter;

(3) to formulate, on or before December 15, 2014, an action plan to accomplish the goals of universal availability of broadband and mobile telecommunications services;

(4) to coordinate the agencies of the State to make public resources available to support the extension of mobile telecommunications and broadband infrastructure and services to all unserved areas;

(5) to support and facilitate initiatives to extend the availability of mobile telecommunications and broadband services, and to promote development of the infrastructure that enables the provision of these services;

(6) through the Department of Innovation and Information, to aggregate and broker access at reduced prices to services and facilities required to provide wireless telecommunications and broadband services; and to waive or reduce State fees for access to state-owned rights-of-way in exchange for comparable value to the State, unless payment for use is otherwise required by federal law;

(7) to review all financial transactions, statements, and contracts of the Vermont Telecommunications Authority established under 30 V.S.A. § 8061; and

(8) to receive all technical and administrative assistance as deemed necessary by the Secretary of Administration.

(c) Deployment tracking.

(1) Not later than 30 days after the effective date of this act, all persons proposing to construct or install Vermont cables, wires, or telecommunications facilities as defined in 30 V.S.A. § 248a(b)(1) shall file plans with the Secretary if the construction or installation relates to the deployment of broadband infrastructure and is funded in whole or in part pursuant to the American Recovery and Reinvestment Act of 2009, Pub.L. No. 111-5, or by funds granted or loaned by the State of Vermont or one of its instrumentalities.

(2) The plans filed pursuant to subdivision (1) of this subsection shall include data identifying the projected coverage area, the projected average speed of service, service type, and

the anticipated date of completion in addition to identifying the location and routes of proposed cables, wires, and telecommunications facilities, and shall be updated every 90 days.

(3) The Secretary shall use the information provided pursuant to this subsection in performing the duties set forth in subsection (b) of this section.

(4) The Secretary shall keep confidential the plans submitted to him or her under this subsection except that, pursuant to a nondisclosure agreement, the Secretary may disclose the information to an entity for the purpose of aggregating the information. Information so disclosed shall remain confidential.

(5) The Secretary may request voluntary disclosure of information such as that set forth in subdivision (2) of this subsection regarding deployment of broadband, telecommunications facilities, or advanced metering infrastructure that is not publicly funded. The Secretary may enter into a nondisclosure agreement with respect to any such voluntary disclosures and the information disclosed pursuant thereto shall remain confidential. Alternatively, entities that voluntarily provide information requested pursuant to this subdivision may select a third party to be the recipient of such information. That third party may aggregate information provided by the entities, but shall not disclose the information it has received to any person, including the Secretary. The third party may only disclose the aggregated information to the Secretary.

(6) The Secretary may publicly disclose aggregated information based upon the information provided pursuant to this subsection.

(7) The confidentiality requirements of subdivisions (4) and (5) of this subsection shall not affect whether information provided to an agency of the state or a political subdivision of the state pursuant to other laws is or is not subject to disclosure.

3 V.S.A. § 2225(d): Information subject to nondisclosure agreement voluntarily submitted to Director of Connectivity of information regarding deployment of broadband, telecommunications facilities, or advanced metering infrastructure that is not publicly funded

[Effective July 1, 2015, per 2014 Acts & Resolves No. 190]

(d)(1) Deployment. The Director may request voluntary disclosure of information regarding deployment of broadband, telecommunications facilities, or advanced metering infrastructure that is not publicly funded. Such information may include data identifying projected coverage areas, projected average speed of service, service type, and the anticipated date of completion in addition to identifying the location and routes of proposed cables, wires, and telecommunications facilities.

(2) The Director may enter into a nondisclosure agreement with respect to any voluntary disclosures under this subsection and the information disclosed pursuant thereto shall remain confidential. Alternatively, entities that voluntarily provide information requested under this subsection may select a third party to be the recipient of such information. The third party may aggregate information provided by the entities, but shall not disclose the information it has received to any person, including the Director. The third party shall only disclose the aggregated information to the Director. The Director may publicly disclose aggregated information based upon the information provided under this subsection. The confidentiality requirements of this subsection shall not affect whether information provided to any agency of the State or a political subdivision of the State pursuant to other laws is or is not subject to disclosure.

11. 9 V.S.A. § 2440(d),(f), and (g): General prohibition on disclosing Social Security numbers to the public; request for redacted record; records of investigation of violations of provisions related to Social Security number protection

§ 2440. SOCIAL SECURITY NUMBER PROTECTION

(a) This section shall be known as the Social Security Number Protection Act.

* * *

(d) Except as provided in subsection (e) of this section, the State and any State agency, political subdivision of the State, an agent or employee of the State, a State agency, or a political subdivision of the State, may not do any of the following:

(1) Collect a Social Security number from an individual unless authorized or required by law, State or federal regulation, or grant agreement to do so or unless the collection of the Social Security number or records containing the Social Security number is related to the performance of that agency's duties and responsibilities as prescribed by law.

(2) Fail, when collecting a Social Security number from an individual in a hard copy format, to segregate that number on a separate page from the rest of the record, or as otherwise appropriate, in order that the Social Security number can be more easily redacted pursuant to a valid public records request.

(3) Fail, when collecting a Social Security number from an individual, to provide, at the time of or prior to the actual collection of the Social Security number by that agency, that individual, upon request, with a statement of the purpose or purposes for which the Social Security number is being collected and used.

(4) Use the Social Security number for any purpose other than the purpose set forth in the statement required under subdivision (3) of this subsection.

(5) Intentionally communicate or otherwise make available to the general public a person's Social Security number.

(6) Intentionally print or imbed an individual's Social Security number on any card required for the individual to access government services.

(7) Require an individual to transmit the individual's Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.

(8) Require an individual to use the individual's Social Security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the Internet website.

(9) Print an individual's Social Security number on any materials that are mailed to the individual, unless a State or federal law, regulation, or grant agreement requires that the Social Security number be on the document to be mailed. A Social Security number that is permitted to be mailed under this subdivision may not be printed, in whole or in part, on a postcard or other mailer not requiring an envelope, or visible on an envelope, without the envelope having been opened.

(e) Subsection (d) of this section does not apply to:

(1) Social Security numbers disclosed to another governmental entity or its agents, employees, contractors, grantees, or grantors of a governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving governmental entity and its agents, employees, and contractors shall maintain the confidential and exempt

status of such numbers. As used in this subsection, "necessary" means reasonably needed to promote the efficient, accurate, or economical conduct of an entity's duties and responsibilities.

(2) Social Security numbers disclosed pursuant to a court order, warrant, or subpoena, or in response to a facially valid discovery request pursuant to rules applicable to a court or administrative body that has jurisdiction over the disclosing entity.

(3) Social Security numbers disclosed for public health purposes pursuant to and in compliance with requirements of the Department of Health under Title 18.

(4) The collection, use, or release of a Social Security number reasonably necessary for administrative purposes or internal verification. Internal verification includes the sharing of information for internal verification between and among governmental entities and their agents, employees, contractors, grantees, and grantors.

(5) Social Security numbers that have been redacted.

(6)(A) A State agency or State political subdivision that has used, prior to January 1, 2007, an individual's Social Security number in a manner inconsistent with subsection (d) of this section, which may continue using that individual's Social Security number in that manner on or after January 1, 2007, if all of the following conditions are met:

(i) The use of the Social Security number is continuous. If the use is stopped for any reason, subsection (d) of this section shall apply.

(ii) The individual is provided an annual disclosure that informs the individual that he or she has the right to stop the use of his or her Social Security number in a manner prohibited by subsection (d) of this section.

(iii) A written request by an individual to stop the use of his or her Social Security number in a manner prohibited by subsection (d) of this section is implemented within 30 days of the receipt of the request. There shall not be a fee or charge for implementing the request.

(iv) The State agency or State political subdivision does not deny services to an individual because the individual makes a written request pursuant to this subdivision.

(B) Nothing in this subdivision (e)(6) is intended to apply to the collection, use, or dissemination of Social Security numbers collected prior to January 1, 2007 and exempted from the provisions of subsection (d) of this section pursuant to subdivisions (1) through (5) or (7) through (11) of this subsection.

(7) Certified copies of vital records issued by the Department of Health and other authorized officials pursuant to 18 V.S.A. part 6.

(8) A recorded document in the official records of the town clerk or municipality.

(9) A document filed in the official records of the courts.

(10) The collection, use, or dissemination of Social Security numbers by law enforcement agencies and the Department of Public Safety in the execution of their duties and responsibilities.

(11) The collection, use, or release of a Social Security number to investigate or prevent fraud; conduct background checks; conduct social or scientific research; collect a debt; obtain a credit report from or furnish data to a consumer reporting agency pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.; undertake a permissible purpose enumerated under Gramm Leach Bliley, 12 C.F.R. § 216.13-15; or locate an individual who is missing, is a lost relative, or is due a benefit, such as a pension, insurance, or unclaimed property benefit.

(f) Any person has the right to request that a town clerk or clerk of court remove from an image or copy of an official record placed on a town's or court's Internet website available to the general public or an Internet website available to the general public to display public records by the town clerk or clerk of court, the person's Social Security number, employer taxpayer

identification number, driver's license number, state identification number, passport number, checking account number, savings account number, credit card or debit card number, or personal identification number (PIN) code or passwords contained in that official record. A town clerk or clerk of court is authorized to redact the personal information identified in a request submitted under this section. The request must be made in writing, legibly signed by the requester, and delivered by mail, facsimile, or electronic transmission, or delivered in person to the town clerk or clerk of court. The request must specify the personal information to be redacted, information that identifies the document that contains the personal information and unique information that identifies the location within the document that contains the Social Security number, employer taxpayer identification number, driver's license number, state identification number, passport number, checking account number, savings account number, credit card number, or debit card number, or personal identification number (PIN) code or passwords to be redacted. The request for redaction shall be considered a public record with access restricted to the town clerk, the clerk of court, their staff, or upon order of the court. The town clerk or clerk of court shall have no duty to inquire beyond the written request to verify the identity of a person requesting redaction and shall have no duty to remove redaction for any reason upon subsequent request by an individual or by order of the court, if impossible to do so. No fee will be charged for the redaction pursuant to such request. Any person who requests a redaction without proper authority to do so shall be guilty of an infraction, punishable by a fine not to exceed $500.00 for each violation.

(g) Enforcement.

(1) With respect to businesses, the State, State agencies, political subdivisions of the State, and agents or employees of the State, a State agency, or a political subdivision of the State, subject to this subchapter, other than a person or entity licensed or registered with the Department of Financial Regulation under Title 8 or this title, the Attorney General and state's attorney shall have sole and full authority to investigate potential violations of this subchapter, to enforce, prosecute, obtain, and impose remedies for a violation of this subchapter, or any rules made pursuant to this subchapter, and to adopt rules under this subchapter, as the Attorney General and state's attorney have under chapter 63 of this title. The Attorney General may refer the matter to the state's attorney in an appropriate case. The Superior Courts shall have jurisdiction over any enforcement matter brought by the Attorney General or a state's attorney under this subsection.

(2) With respect to a person or entity licensed or registered with the Department of Financial Regulation under Title 8 or this title, the Department shall have full authority to investigate potential violations of this subchapter, and to prosecute, obtain, and impose remedies for a violation of this subchapter or any rules adopted pursuant to this subchapter as the Department has under Title 8 or this title, or any other applicable law or regulation.

(3) With respect to the information provided by the Vermont Department of Public Safety and law enforcement agencies, and any agent or employee thereof, to the Vermont Attorney General or state’s attorney pursuant to subdivision (1) of this subsection, the information provided or made available by the agency or Department to the Attorney General may be designated by the agency or Department as confidential, and shall not be released under the provisions of 1 V.S.A. § 317.

12. 9 V.S.A. § 2460: Attorney General or State's Attorney civil investigation records

§ 2460. CIVIL INVESTIGATION

(a)(1) The Attorney General or a state's attorney whenever he or she has reason to believe any person to be or to have been in violation of section 2453 of this title, or of any rule or regulation made pursuant to section 2453 of this title, may examine or cause to be examined by any agent or representative designated by him or her for that purpose, any books, records, papers, memoranda, and physical objects of whatever nature bearing upon each alleged violation, and may demand written responses under oath to questions bearing upon each alleged violation.

(2) The Attorney General or a state's attorney may require the attendance of such person or of any other person having knowledge in the premises in the county where the person resides or has a place of business or in Washington County if the person is a nonresident or has no place of business within the State, and may take testimony and require proof material for his or her information, and may administer oaths or take acknowledgment in respect of any book, record, paper, or memorandum.

(3) The Attorney General or a state's attorney shall serve notice of the time, place, and cause of the examination or attendance, or notice of the cause of the demand for written responses, at least ten days prior to the date of the examination, personally or by certified mail, upon the person at his or her principal place of business, or, if the place is not known, to his or her last known address.

(4) Any book, record, paper, memorandum, or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of this State for good cause shown, be disclosed to any person other than the authorized agent or representative of the Attorney General or a state's attorney or another law enforcement officer engaged in legitimate law enforcement activities, unless with the consent of the person producing the same.

(5) This subsection shall not be applicable to any criminal investigation or prosecution brought under the laws of this or any state.

(b)(1) A person upon whom a notice is served pursuant to the provisions of this section shall comply with the terms thereof unless otherwise provided by the order of a court of this State.

(2) Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation under this section, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any documentary material in the possession, custody, or control of any person subject of any such notice, or mistakes or conceals any information, shall be subject to a civil penalty of not more than $25,000.00 and to recovery by the Attorney General's or state's attorney's office the reasonable value of its services and expenses in enforcing compliance with this section.

(c)(1) Whenever any person fails to comply with any notice served upon him or her under this section or whenever satisfactory copying or reproduction of material pursuant to this section cannot be done and the person refuses to surrender the material, the Attorney General or a state's attorney may file, in the Superior Court in which the person resides or has his or her principal place of business, or in Washington County if the person is a nonresident or has no principal place of business in this State, and serve upon the person, a petition for an order of the court for the enforcement of this section.

(2) Whenever a petition is filed under this section, the court shall have jurisdiction to hear and determine the matter presented, and to enter one or more orders as may be required to carry into effect the provisions of this section.

(3) A person who violates an order entered under this section by a court shall be punished for contempt of court and shall be subject to a civil penalty of not more than $25,000.00 and to recovery by the Attorney General's or state's attorney's office of the reasonable value of its services and expenses in enforcing compliance with this section.

13. 9 V.S.A. § 4555: Complaint and investigation files of the Human Rights Commission

§ 4555. INFORMATION; DISCLOSURE AND CONFIDENTIALITY

(a) The human rights commission's complaint files and investigative files shall be confidential except that the human rights commission shall make the investigative file available to the charging party, the respondent, their attorneys, and any state or federal law enforcement agency seeking to enforce anti-discrimination statutes, upon reasonable request. The identities of nonparty witnesses to the investigation may be revealed as part of the investigative file, upon request, unless good cause is shown to protect the witness' confidentiality.

(b) Nothing said or done as part of conciliation efforts under this chapter may be made a matter of public record or used as evidence in a subsequent civil action without written consent of the parties. Final settlement agreements shall be public documents and the parties shall be so informed.

(c) If the commission determines that there are reasonable grounds to believe that discrimination has occurred, that determination and the names of the parties may be made public after the parties have been notified of the commission's determination. If the commission finds that there are no reasonable grounds to find discrimination, the identity of the parties and any information that would identify the parties shall remain confidential. The commission shall inform the parties about the provisions of this subsection. In all cases, even if the records are confidential, the facts may be used for educational purposes if sufficiently altered so that no person involved in a case can be identified.

14. 11 V.S.A. § 3058(g): Member-owned LLCs; right to information

§ 3058. MEMBER'S RIGHT TO INFORMATION

(a) Each member or former member, his or her agents or attorneys, has the right, subject to such reasonable standards, including standards governing what information and documents are to be furnished and at what time and location, as may be set forth in the articles of organization, an operating agreement or otherwise established by the manager or, if there is no manager, then by the members, to obtain from the company from time to time and upon reasonable demand for any purpose reasonably related to the member's interest as a member of the limited liability company during the period in which he or she was a member:

(1) information regarding the status of the business and the financial condition of the company;

(2) promptly after becoming available, a copy of the company's federal, state and local income tax returns and financial statements, if any, for the three most recent years or, if such returns and statements were not prepared for any reason, copies of the information and statements provided to, or which should have been provided to, the members or the owners of financial rights to enable them to prepare their federal, state and local tax returns for such period;

(3) a current list of the name and last known business, residence or mailing address of each member and manager;

(4) a copy of the articles of organization and any operating agreement and all amendments thereto, together with copies of any written powers of attorney pursuant to which the articles of organization, operating agreement and all amendments thereto have been executed;

(5) information regarding the amount of cash and description and statement of the agreed value of any other property or services contributed by each member and which each member has agreed to contribute in the future, and the date on which each member became a member; and

(6) such other information regarding the affairs of the limited liability company that is just and reasonable.

(b) A company may impose a reasonable charge, limited to the costs of labor and material, for copies of records or other information furnished under this section.

(c) A company may maintain its records in other than written form if such form is capable of conversion into written form within a reasonable time or into an electronic form that may be prescribed by the secretary of state.

(d) Any demand under this section shall:

(1) be in writing;

(2) be made in good faith and for a proper purpose; and

(3) describe with reasonable particularity the purpose and the records or information desired.

(e) A company shall furnish to a member and to the legal representative of a deceased member or member under legal disability:

(1) without demand, information concerning the company's business or affairs reasonably required for the proper exercise of the member's rights and duties under the operating agreement or this chapter; and

(2) on demand, other information concerning the company's business or affairs, except to the extent the demand or the information demanded is unreasonable or otherwise improper under the circumstances.

(f) Failure of the company to keep or maintain any of the records or information required pursuant to this section shall not be grounds for imposing liability on any person for the debts and obligations of the company.

(g) The managers shall have the right to keep confidential from members who are not managers, for such period of time as the managers deem reasonable, any information which the managers reasonably believe to be in the nature of trade secrets or other information the disclosure of which the managers in good faith believe is not in the best interest of the company.

15. 17 V.S.A. § 2150(d)(7): Board of Civil Authority records relating to person's decision not to register to vote or to the identity of the voter registration agency through which any particular voter registered

(a)(1) When a voter from one political subdivision becomes a resident of another political subdivision and is placed on the checklist there, the town clerk shall notify the clerk of the political subdivision where the voter was formerly a resident by submitting the notification electronically within the statewide voter checklist system or by mailing to that clerk a copy of the voter registration application form or other official notice, and that clerk shall strike the voter's name from the checklist of that political subdivision.

(2) When a town clerk receives a copy of the death certificate of a voter, public notice of the death of a voter, or official notice from the Department of Motor Vehicles that a voter has authorized his or her address to be changed for voting purposes, the clerk shall strike the voter's name from the checklist.

(3) A town clerk shall also strike from the checklist the name of any voter who files a written request that his or her name be stricken.

(b) The board of civil authority at any time may consider the eligibility of persons on the checklist whom the board believes may be deceased, may have moved from the municipality, or may be registered in another place and may remove names of persons no longer qualified to vote. However, the board shall not remove any name from the checklist except in accordance with the procedures in subsection (d) of this section, and any systematic program for removing names from the checklist shall be completed at least 90 days before an election.

(c) In addition to any actions it takes under subsections (a) and (b) of this section, by September 15 of each odd-numbered year the board of civil authority shall review the most recent checklist name by name and consider, for each person whose name appears on the checklist, whether that person is still qualified to vote. In every case where the board of civil authority is unable to determine under subdivisions (d)(1) and (2) of this section that a person is still qualified to vote, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the person and take appropriate action as provided in subdivisions (d)(3) through (5) of this section. The intent is that when this process is completed there will have been some confirmation or indication of continued eligibility for each person whose name remains on the updated checklist.

(d) Except as provided in subsection (a) of this section, a board of civil authority shall only remove a name from the checklist in accordance with the following procedure:

(1) If the board of civil authority is satisfied that a voter whose eligibility is being considered is still qualified to vote in the municipality, the voter's name shall remain on the checklist, and no further action shall be taken.

(2) If the board of civil authority does not immediately know that the voter is still qualified to vote in the municipality, the board shall attempt to determine with certainty what the true status of the voter's eligibility is. The board of civil authority may consider and rely upon official and unofficial public records and documents, including telephone directories, city directories, newspapers, death certificates, obituary (or other public notice of death), tax records, and any checklist or checklists showing persons who voted in any election within the last four years. The board of civil authority may also designate one or more persons to attempt to contact the voter personally. Any voter whom the board of civil authority finds through such inquiry to

be eligible to remain on the checklist shall be retained without further action being taken. The name of any voter proven to be deceased shall be removed from the checklist.

(3) If after conducting its inquiry the board of civil authority or town clerk is unable to locate a voter whose name is on the checklist, or if the inquiry reveals facts indicating that the voter may no longer be eligible to vote in the municipality, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the voter. The notice shall be sent by first class mail to the most recent known address of the voter asking the voter to verify his or her current eligibility to vote in the municipality. The notice shall be sent with the required United States Postal Service language for requesting change of address information. Enclosed with the notice shall be a postage paid pre-addressed return form on which the voter may reply swearing or affirming the voter's current place of residence as the municipality in question or alternatively consenting to the removal of the voter's name. The notice required by this subsection shall also include the following:

(A) A statement informing the voter that if the voter has not changed his or her residence, or if the voter has changed his or her residence but the change was within the area covered by the checklist, the voter should return the form to the town clerk's office on or before the date upon which the checklist is closed under section 2144 of this title. The statement shall also inform the voter that if he or she fails to return the form as provided in this subdivision, written affirmation of the voter's address shall be required before the voter is permitted to vote.

(B) Information concerning how the voter can register to vote in another state or another municipality within this State.

(4) If the voter confirms in writing that the voter has changed his or her residence to a place outside the area covered by the checklist, the board of civil authority shall remove the voter's name from the checklist.

(5) In the case of voters who failed to respond to the notice sent pursuant to subdivision (3) of this subsection, the board of civil authority shall remove the voter's name from the checklist on the day after the second general election following the date of such notice, if the voter has not voted or appeared to vote in an election since the notice was sent or has not otherwise demonstrated his or her eligibility to remain on the checklist.

(6) Notwithstanding the provisions of subdivision (5) of this subsection, if at any time subsequent to removal of a person's name from the checklist, the board determines that the person was still qualified to vote and that the voter's name should not have been removed, the board shall add the person's name to the checklist as provided in section 2147 of this title. The provisions of this chapter shall be liberally construed, so that if there is any reasonable doubt whether a person's name should have been removed from the checklist the person shall have the right to have the person's name immediately returned to the checklist.

(7) The board of civil authority shall keep detailed records of its proceedings under this subchapter for at least two years. These records, except records relating to a person's decision not to register to vote or to the identity of the voter registration agency through which any particular voter registered, shall be public records and shall be available for inspection and copying at actual cost. The records shall include: (A) in the case of each name removed from the checklist, a clear statement of the reason or reasons for which the name was removed; (B) in the case of the updating of the checklist required by subsection (c) of this section, the working copy or copies of the checklist used in the name by name review conducted to ascertain continued eligibility to vote; (C) the total number of new registrations occurring during the period between general elections; (D) the total number of persons removed from the checklist during the period between

general elections; and (E) lists of the names and addresses of all persons to whom notices were sent under this subsection, and information concerning whether or not each person to whom a notice was sent responded to the notice as of the date that inspection of the records is made. A letter certifying compliance with this section shall be filed with the secretary of state by September 20 of each odd-numbered year. Upon request of any superior or district judge or upon request of the secretary of state the town clerk shall forward a certified copy of the records of checklist maintenance.

16. 17 V.S.A. § 2154 (see also V.S.A. § 317(c)(31)): Certain statewide voter checklist information

§ 2154. STATEWIDE VOTER CHECKLIST

(a) The secretary of state shall establish a uniform and nondiscriminatory, statewide computerized voter registration checklist. This checklist shall serve as the official voter registration list for all elections in the state. In establishing the statewide checklist, the secretary shall:

(1) limit the town clerk to adding, modifying, or deleting applicant and voter information on the portion of the checklist for that clerk's municipality;

(2) limit access to the statewide voter checklist for a local elections official to verifying if the applicant is registered in another municipality in the state by a search for the individual voter;

(3) notify a local elections official when a voter registered in that official's district registers in another voting district so that the voter may be removed from that district's checklist;

(4) provide adequate security to prevent unauthorized access to the checklist;

(5) ensure the compatibility and comparability of information on the checklist with information contained in the department of motor vehicles' computer systems.

(b) A registered voter's month and day of birth, driver's license number, the last four digits of the applicant's Social Security number, and street address if different from the applicant's mailing address shall not be considered a public record as defined in 1 V.S.A. § 317(b). Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not use the checklist for commercial purposes. The affirmation shall be filed with the secretary of state.

(c) No elections official may access the portion of the statewide voter checklist that is exempt from public inspection pursuant to 1 V.S.A. § 317(c)(31), except for elections purposes. (Added 2003, No. 59, § 7.)

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(31) records of a registered voter's month and day of birth, motor vehicle operator's license number, the last four digits of the applicant's Social Security number, and street address if different from the applicant's mailing address contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. § 2154;

17. 17 V.S.A. § 2904(a): Attorney General or State's Attorney records of investigations of campaign finance violations

§ 2904. CIVIL INVESTIGATION

(a)(1) The Attorney General or a State's Attorney, whenever he or she has reason to believe any person to be or to have been in violation of this chapter or of any rule or regulation made pursuant to this chapter, may examine or cause to be examined by any agent or representative designated by him or her for that purpose any books, records, papers, memoranda, or physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.

(2) The Attorney General or a State's Attorney may require the attendance of such person or of any other person having knowledge in the premises in the county where such person resides or has a place of business or in Washington County if such person is a nonresident or has no place of business within the State and may take testimony and require proof material for his or her information and may administer oaths or take acknowledgment in respect of any book, record, paper, or memorandum.

(3) The Attorney General or a State's Attorney shall serve notice of the time, place, and cause of such examination or attendance or notice of the cause of the demand for written responses personally or by certified mail upon such person at his or her principal place of business or, if such place is not known, to his or her last known address. Such notice shall include a statement that a knowing and intentional violation of subchapters 2 through 4 of this chapter is subject to criminal prosecution.

(4) Any book, record, paper, memorandum, or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of this State for good cause shown, be disclosed to any person other than the authorized agent or representative of the Attorney General or a State's Attorney or another law enforcement officer engaged in legitimate law enforcement activities unless with the consent of the person producing the same, except that any transcript of oral testimony, written responses, documents, or other information produced pursuant to this section may be used in the enforcement of this chapter, including in connection with any civil action brought under section 2903 of this subchapter or subsection (c) of this section.

(5) Nothing in this subsection is intended to prevent the Attorney General or a State's Attorney from disclosing the results of an investigation conducted under this section, including the grounds for his or her decision as to whether to bring an enforcement action alleging a violation of this chapter or of any rule or regulation made pursuant to this chapter.

(6) This subsection shall not be applicable to any criminal investigation or prosecution brought under the laws of this or any state.

(b)(1) A person upon whom a notice is served pursuant to the provisions of this section shall comply with its terms unless otherwise provided by the order of a court of this State.

(2) Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation under this section, removes from any place; conceals, withholds, or destroys; or mutilates, alters, or by any other means falsifies any documentary material in the possession, custody, or control of any person subject to such notice or mistakes or conceals any information shall be fined not more than $5,000.00.

(c)(1) Whenever any person fails to comply with any notice served upon him or her under this section or whenever satisfactory copying or reproduction of any such material cannot be done and the person refuses to surrender the material, the Attorney General or a State's Attorney may file, in the Superior Court in the county in which the person resides or has his or her principal place of business or in Washington County if the person is a nonresident or has no principal place of business in this State, and serve upon the person a petition for an order of the court for the enforcement of this section.

(2) Whenever any petition is filed under this section, the court shall have jurisdiction to hear and determine the matter so presented and to enter any order or orders as may be required to carry into effect the provisions of this section. Any disobedience of any order entered under this section by any court shall be punished as a contempt of the court.

(d) Any person aggrieved by a civil investigation conducted under this section may seek relief from Washington Superior Court or the Superior Court in the county in which the aggrieved person resides. Except for cases the court considers to be of greater importance, proceedings before Superior Court as authorized by this section shall take precedence on the docket over all other cases.

18. 18 V.S.A. § 5083: Birth certificates; address and town of residence of participants in the Address Confidentiality Program

§ 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

(a) If a participant in the program described in 15 V.S.A. chapter 21, subchapter 3 who is the parent of a child born during the period of program participation notifies the physician or midwife who delivers the child, or the hospital at which the child is delivered, not later than 24 hours after the birth of the child, that the participant's confidential address should not appear on the child's birth certificate, then the department shall not disclose such confidential address or the participant's town of residence on any public records. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. If such notice is received, then notwithstanding section 5071 of this title, the attendant physician or midwife shall file the certificate with the supervisor of vital records registration within ten days of the birth, without the confidential address or town of residence, and shall not file the certificate with the town clerk.

(b) The supervisor of vital records registration shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a parent's confidential address and town of residence do not appear on the birth certificate during the period that the parent is a program participant. A certificate filed in accordance with this section shall be a public document. The supervisor of vital records shall notify the secretary of state of the receipt of a birth certificate on behalf of a program participant.

(c) The department shall maintain a confidential record of the parent's actual mailing address and town of residence. Such record shall be exempt from public inspection.

(d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation of program participation of any parent of whom the secretary of state received notice from the supervisor of vital records registration, the secretary of state shall notify the supervisor of vital records registration.

(e) Notwithstanding section 5075 of this title, upon notice of the expiration, withdrawal, invalidation, or cancellation of program participation, the supervisor of vital records registration shall enter the actual mailing address and town of residence on the original birth certificate and shall transmit the completed original birth certificate to the town clerk where the birth occurred.

(f) The town clerk shall process certificates received in this manner in accordance with the provisions of this chapter.

19. 18 V.S.A. § 5112(c): Records related to the issuance of a new birth certificate in connection with a change of sex

§ 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; CHANGE OF SEX

(a) Upon receiving from the probate division of the superior court a court order that an individual's sexual reassignment has been completed, the state registrar shall issue a new birth certificate to show that the sex of the individual born in this state has been changed.

(b) An affidavit by a licensed physician who has treated or evaluated the individual stating that the individual has undergone surgical, hormonal, or other treatment appropriate for that individual for the purpose of gender transition shall constitute sufficient evidence for the court to issue an order that sexual reassignment has been completed. The affidavit shall include the medical license number and signature of the physician.

(c) A new certificate issued pursuant to subsection (a) of this section shall be substituted for the original birth certificate in official records. The new certificate shall not show that a change in name or sex, or both, has been made. The original birth certificate, the probate court order, and any other records relating to the issuance of the new birth certificate shall be confidential and shall not be subject to public inspection pursuant to 1 V.S.A. § 317(c); however an individual may have access to his or her own records and may authorize the state registrar to confirm that, pursuant to court order, it has issued a new birth certificate to the individual that reflects a change in name or sex, or both.

(d) If an individual born in this state has an amended birth certificate showing that the sex of the individual has been changed, and the birth certificate is marked "Court Amended" or otherwise clearly shows that it has been amended, the individual may receive a new birth certificate from the state registrar upon application.

20. 18 V.S.A. § 5132: Marriage certificates; address and town of residence of participant in Address Confidentiality Program

§ 5132. CIVIL MARRIAGE LICENSE; PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

(a) If a participant in the program described in 15 V.S.A. chapter 21, subchapter 3 notifies the town that the participant's confidential address should not appear on the civil marriage license or certificate, then the town clerk shall not disclose such confidential address or the participant's town of residence on any public records. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. If such notice is received, then notwithstanding section 5131 of this title, the town clerk shall file the civil marriage certificate with the supervisor of vital records registration within 10 days of receipt, without the confidential address or town of residence, and shall not retain a copy of the civil marriage certificate.

(b) The supervisor of vital records registration shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a person's confidential address and town of residence do not appear on the civil marriage certificate during the period that the person is a program participant. A certificate filed in accordance with this section shall be a public document. The supervisor of vital records shall notify the secretary of state of the receipt of a civil marriage certificate on behalf of a program participant.

(c) The department shall maintain a confidential record of the person's actual mailing address and town of residence. Such record shall be exempt from public inspection.

(d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation of program participation of any person of whom the secretary of state received notice from the supervisor of vital records registration, the secretary of state shall notify the supervisor of vital records registration.

(e) Upon notice of the expiration, withdrawal, invalidation, or cancellation of program participation, the supervisor of vital records registration shall enter the actual mailing address and town of residence on the original marriage certificate and shall transmit the completed original civil marriage certificate to the town clerk where the certificate was issued.

(f) The town clerk shall process certificates received in this manner in accordance with the provisions of this chapter.

21. 21 V.S.A. § 516: Drug test results of employees or applicants for employment

§ 516. CONFIDENTIALITY

(a) Any health care information about an individual to be tested shall be taken only by a medical review officer and shall be confidential and shall not be released to anyone except the individual tested, and may not be obtained by court order or process, except as provided in this subchapter.

(b) Employers, medical review officers, laboratories and their agents, who receive or have access to information about drug test results, shall keep all information confidential. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested, except where such release is compelled by a court of competent jurisdiction in connection with an action brought under this subchapter. A medical review officer shall not reveal the identity of an individual being tested to any person, including the laboratory.

(c) If information about drug test results is released contrary to the provisions of this subchapter, it shall be inadmissible as evidence in any judicial or quasi-judicial proceeding, except in a court of competent jurisdiction in connection with an action brought under this subchapter.

22. 24 V.S.A. § 1884: Registry books of municipal treasurer

§ 1884. CONFIDENTIAL REGISTRY

The books of registry held by the treasurer of the municipal corporation or other designated register shall be confidential and the information contained therein shall not be available to the public.

NOTE: This section appears in 24 V.S.A. Chapter 53 (INDEBTEDNESS), Subchapter 4 (Form Of Bonds, Notes And Certificates)

23. 26 V.S.A. § 75(d): Information submitted for peer reviews of licensed public accountants

§ 75. RENEWAL

(a) Public accountant licenses and firm registrations under this chapter shall be renewed every two years on payment of the required fee.

(b) As a condition of renewal of a license as a public accountant, the board may require that the licensee establish that he or she has satisfied continuing education requirements established by board rule.

(c) The board may by rule require, on either a uniform or a random basis, as a condition to renewal of firm registrations under section 74 of this title, that applicants undergo peer reviews conducted no more frequently than once every three years in such manner and producing such satisfactory result as the board may specify, provided, however, that any such requirement:

(1) shall be adopted reasonably in advance of the time when it is first required to be met; and

(2) shall include a reasonable provision for compliance by an applicant's showing that the applicant has undergone a satisfactory peer review performed for other purposes which was substantially equivalent to peer reviews generally required pursuant to this section, and completion of such review was within the three years immediately preceding the renewal period.

(d) Information submitted for peer reviews is exempt from public disclosure under 1 V.S.A. § 317(c)(3) and (6).

(e) If a licensee fails to renew within 10 years of the license lapsing, the licensee must file a new application for licensure and satisfy the initial licensure requirements of the board in order to obtain a license.

24. 26 V.S.A. §§ 1317(c) and 1368(a)(6)(C): Disciplinary information reported by health care institutions, and judgments or settlements involving a claim of professional negligence reported by insurers; information about pending malpractice claims or actual amounts paid

§ 1317. UNPROFESSIONAL CONDUCT TO BE REPORTED TO BOARD

(a) Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report to the board, along with supporting information and evidence, any disciplinary action taken by it or its staff which significantly limits the licensee's privilege to practice or leads to suspension or expulsion from the institution, a nonrenewal of medical staff membership, or the restrictions of privileges at a hospital taken in lieu of, or in settlement of, a pending disciplinary case related to unprofessional conduct as defined in sections 1354 and 1398 of this title. The commissioner of health shall forward any such information or evidence he or she receives immediately to the board. The report shall be made within 10 days of the date such disciplinary action was taken, and, in the case of disciplinary action taken against a licensee based on the provision of mental health services, a copy of the report shall also be sent to the commissioner of mental health and the commissioner of disabilities, aging, and independent living. This section shall not apply to cases of resignation or separation from service for reasons unrelated to disciplinary action.

(b) Within 30 days of any judgment or settlements involving a claim of professional negligence by a licensee, any insurer of the licensee shall report the information to the commissioner of health and, to the extent the claim relates to the provision of mental health services, to the commissioner of mental health.

(c) Except as provided in section 1368 of this title, information provided to the department of health or of mental health under this section shall be confidential unless the department decides to treat the report as a complaint, in which case, the provisions of section 1318 of this title shall apply.

(d) A person who acts in good faith in accord with the provisions of this section shall not be liable for damages in any civil action.

(e) A person who violates this section shall be subject to a civil penalty of not more than $10,000.00.

§ 1368. DATA REPOSITORY; LICENSEE PROFILES

(a) A data repository is created within the Department of Health which will be responsible for the compilation of all data required under this section and any other law or rule which requires the reporting of such information. Notwithstanding any provision of law to the contrary, licensees shall promptly report and the Department shall collect the following information to create individual profiles on all health care professionals licensed, certified, or registered by the Department, pursuant to the provisions of this title, in a format created by the Department that shall be available for dissemination to the public:

(1) A description of any criminal convictions for felonies and serious misdemeanors, as determined by the Commissioner of Health, within the most recent 10 years. For the purposes of this subdivision, a person shall be deemed to be convicted of a crime if he or she pleaded guilty or was found or adjudged guilty by a court of competent jurisdiction.

(2) A description of any charges to which a health care professional pleads nolo contendere or where sufficient facts of guilt were found and the matter was continued without a finding by a court of competent jurisdiction.

(3)(A) A description of any formal charges served, findings, conclusions, and orders of the licensing authority, and final disposition of matters by the courts within the most recent 10 years, and a summary of the final disposition of such matters indicating any charges that were dismissed and any charges resulting in a finding of unprofessional conduct.

(B) The Department shall remove from the data repository any charges, findings, conclusions, and order if the final disposition of the matter dismissed all charges filed against the licensee in the same action. The Department shall ensure that the period for appealing an order has expired prior to removing any such information from the data repository, and shall remove that information within five business days of the expiration of the appeal period.

(4)(A) A description of any formal charges served by licensing authorities, findings, conclusions, and orders of such licensing authorities, and final disposition of matters by the courts in other states within the most recent 10 years.

(B) Upon request of the licensee, the Department shall remove from the data repository any charges, findings, conclusions, and order if the final disposition of the matter dismissed all charges filed against the licensee in the same action. The Department shall confirm the dismissal and shall ensure that the period for appealing an order has expired prior to removing any such information from the data repository, and shall remove that information within five business days of the expiration of the appeal period or within five business days of the request of the licensee, whichever is later.

(5) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that has been issued by the hospital's governing body or any other official of the hospital after procedural due process has been afforded, or the resignation from, or nonrenewal of, medical staff membership or the restriction of privileges at a hospital taken in lieu of, or in settlement of, a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent 10 years shall be disclosed by the Board to the public.

(6)(A) All medical malpractice court judgments and all medical malpractice arbitration awards in which a payment is awarded to a complaining party during the last 10 years, and all settlements of medical malpractice claims in which a payment is made to a complaining party within the last 10 years. Dispositions of paid claims shall be reported in a minimum of three graduated categories, indicating the level of significance of the award or settlement, if valid comparison data are available for the profession or specialty. Information concerning paid medical malpractice claims shall be put in context by comparing an individual health care professional's medical malpractice judgment awards and settlements to the experience of other health care professionals within the same specialty within the New England region or nationally. The Commissioner may, in consultation with the Vermont Medical Society, report comparisons of individual health care professionals covered under this section to all similar health care professionals within the New England region or nationally.

(B) Comparisons of malpractice payment data shall be accompanied by:

(i) an explanation of the fact that professionals treating certain patients and performing certain procedures are more likely to be the subject of litigation than others;

(ii) a statement that the report reflects data for the last 10 years, and the recipient should take into account the number of years the professional has been in practice when considering the data;

(iii) an explanation that an incident giving rise to a malpractice claim may have occurred years before any payment was made, due to the time lawsuits take to move through the legal system;

(iv) an explanation of the possible effect of treating high-risk patients on a professional's malpractice history; and

(v) an explanation that malpractice cases may be settled for reasons other than liability.

(C)(i) Information concerning all settlements shall be accompanied by the following statement: "Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the health care professional. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred." Nothing herein shall be construed to limit or prevent the licensing authority from providing further explanatory information regarding the significance of categories in which settlements are reported.

(ii) Pending malpractice claims and actual amounts paid by or on behalf of a professional in connection with a malpractice judgment, award, or settlement shall not be disclosed by the Commissioner of Health or by the licensing authority to the public. Nothing herein shall be construed to prevent the licensing authority from investigating and disciplining a health care professional on the basis of medical malpractice claims that are pending.

(7) The names of medical professional schools and dates of graduation.

(8) Graduate medical education.

(9) Specialty board certification.

(10) The number of years in practice.

(11) The names of the hospitals where the health care professional has privileges.

(12) Appointments to medical school or professional school faculties, and indication as to whether the health care professional has had a responsibility for teaching graduate medical education within the last 10 years.

(13) Information regarding publications in peer-reviewed medical literature within the last 10 years.

(14) Information regarding professional or community service activities and awards.

(15) The location of the health care professional's primary practice setting.

(16) The identification of any translating services that may be available at the health care professional's primary practice location.

(17) An indication of whether the health care professional participates in the Medicaid program, and is currently accepting new patients.

(b) The Department shall provide individual health care professionals with a copy of their profiles prior to the initial release to the public and each time a physician's profile is modified or amended. A health care professional shall be provided a reasonable time to correct factual inaccuracies that appear in such profile, and may elect to have his or her profile omit the information required under subdivisions (a)(12) through (14) of this section. In collecting information for such profiles and in disseminating the same, the Department shall inform health care professionals that they may choose not to provide such information required under subdivisions (a)(12) through (14).

(c) The profile shall include the following conspicuous statement: "This profile contains information which may be used as a starting point in evaluating the professional. This profile should not, however, be your sole basis for selecting a professional."

25. 30 V.S.A. § 7055(b): Confidential information provided by local exchange telecommunications providers to the enhanced 911 Board or the Administrator of the 911 Database

§ 7055. TELECOMMUNICATIONS COMPANY COORDINATION

(a) Every telecommunications company under the jurisdiction of the Public Service Board offering access to the public network shall make available, in accordance with rules adopted by the Public Service Board, the universal emergency telephone number 911 for use by the public in seeking assistance from fire, police, medical, and other emergency service providers through a public safety answering point.

(b) Every local exchange telecommunications provider shall provide the ANI[1] and any other information required by rules adopted under section 7053 of this title to the Board, or to any administrator of the enhanced 911 database, for purposes of maintaining the enhanced 911 database. Each such provider shall be responsible for updating the information at a frequency specified by such rules. All persons receiving confidential information under this section, as defined by the Public Service Board, shall use it solely for the purposes of providing emergency 911 services, and shall not disclose such confidential information for any other purpose.

(c) Each local exchange telecommunications company, cellular company, and mobile or personal communications service company within the State shall designate a person to coordinate with and provide all relevant information to the E-911 Board and Public Service Board in carrying out the purposes of the chapter.

(d) Wire line and nonwire cellular carriers certificated to provide service in the state shall provide ANI signaling which identifies geographical location as well as cell site address for cellular 911 calls. Personal communications networks and any future mobile or personal communications systems shall also be required to identify the location of the caller. The telephone company shall provide ANI signaling which identifies the name of the carrier and identify the type of service as cellular, mobile, or personal communications as part of the ALI along with a screen message that advises the call answerer to verify the location of the reported emergency. Telecommunication providers of mobile wireless, IP-enabled, and other communication services which have systems with the capability to send data related to the location of the caller with the call or transmission instead of relying on location data otherwise contained in the ALI database shall provide this data with calls or transmissions for the sole purpose of enabling the emergency 911 system to locate an individual seeking emergency services. Location data shall be provided in accordance with relevant national standards for next generation 9-1-1 technology.

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[1] 30 V.S.A. § 7051(3) defines ANI: (3) “Automatic number identification" or "ANI" means the system capability to identify automatically the calling telephone number and to provide a display of that number at any public safety answering point.

26. 30 V.S.A. § 7059: Individually identifiable information of a person in the 911 database; 911 customer information held by 911 Board, entity administering the enhanced 911 database, or emergency service providers; requests to municipalities to de-link name and address

§ 7059. CONFIDENTIALITY OF SYSTEM INFORMATION

(a)(1) A person shall not access, use, or disclose to any other person any individually identifiable information contained in the system database created under subdivision 7053(a)(4) of this title, including any customer or user ALI[2] or ANI information, except in accordance with rules adopted by the Board and for the purpose of:

(A) responding to emergency calls;

(B) system maintenance and quality control under the direction of the Director;

(C) investigation, by law enforcement personnel, of false or intentionally misleading reports of incidents requiring emergency services;

(D) assisting in the implementation of a statewide emergency notification system;

(E) provision of emergency dispatch services by public safety answering points in other states that are under contract with local law enforcement and emergency response organizations; or

(F) coordinating with state and local service providers for the provision of emergency dispatch services that serve individuals with a disability, elders, and other populations with special needs.

(2) No person shall use customer ALI or ANI information to create special 911 databases for any private purpose or any public purpose unauthorized by this chapter.

(b) Notwithstanding the provisions of subsection (a) of this section, customer ALI or ANI information obtained in the course of responding to an emergency call may be included in an incident report prepared by emergency response personnel, in accordance with rules adopted by the Board.

(c) Information relating to customer name, address, and any other specific customer information collected, organized, acquired, or held by the board, the entity operating a public safety answering point or administering the enhanced 911 database, or emergency service provider is not public information and is exempt from disclosure under 1 V.S.A. chapter 5, subchapter 3.

(d) If a municipality has adopted conventional street addressing for enhanced 911 addressing purposes, the municipality shall ensure that an individual who so requests will not have his or her street address and name linked in a municipal public record, but the individual shall be required to provide a mailing address. The request required by this subsection shall be in writing and shall be filed with the municipal clerk. Requests under this subsection shall be confidential. A form shall be prepared by the Board and made generally available to the public by which the confidentiality option established by this subsection may be exercised.

(e) Notwithstanding any provision of law to the contrary, no person acting on behalf of the State of Vermont or any political subdivision of the state shall require an individual to disclose

[2] 30 V.S.A. § 7051(1) defines ALI: (1) "Automatic location identification" or "ALI" means the system capability to identify automatically the geographical location of the electronic device being used by the caller to summon assistance and to provide that location information to an appropriate device located at any public safety answering point for the purpose of sending emergency assistance.

his or her enhanced 911 address, provided that the individual furnishes his or her alternative mailing address.

27. 31 V.S.A. § 674(L1I): Financial, tax, trust, or personal records filed, received, maintained, or produced by the Tri-state Lottery Commission in connection with payment of a prize

§ 674. PROCEDURES AND CONDITIONS GOVERNING THE TRI-STATE LOTTERY-ARTICLE II

A. Creation of the Tri-State Lotto Commission. The party states, for the purpose of operating Tri-State Lotto, establish the Tri-State Lotto Commission.

B. Nature of the commission. The commission shall be an interstate body, both corporate and politic, serving as a common agency of the party states and representing them both collectively and individually in the exercise of its powers and duties.

* * *

L. Distribution of prizes.

1. All prizes over 5,000 dollars shall be awarded to holders of winning tickets as provided in this section. Within one week after any drawing or selection of prize winning tickets, the commission shall deliver to each of the party states a certified list of the tickets to which prizes are awarded and the amount of each prize. Upon delivery of the certified list and voucher of the commission, monies sufficient for the payment of the prizes may be withdrawn from the prize account established in paragraph K 2 of this article. The commission shall each month provide each party state with a record of all withdrawals. Payment of prizes shall be made by the commission, or its designee, to holders of the tickets to which prizes are awarded. The right of any person to a prize drawn shall not be assignable, except that payment of any prize drawn may be paid to another person as provided in this section.

1A. Payment of a prize may be made to a person other than the winner as follows:

a. To the estate of a deceased prizewinner upon receipt by the commission of a certified court order appointing an executor or administrator.

b. To any person pursuant to a certified final order of a court of competent jurisdiction, including orders pertaining to claims of ownership in the prize, division of marital property in divorce actions, bankruptcy, child support, appointment of a guardian or conservator and distribution of an estate.

c. To any person, including a trustee, pursuant to a certified final order of a court of competent jurisdiction of a party state approving the voluntary assignment of the right to a prize provided the court affirmatively finds all of the following:

(1) That the assignor and the assignee are not represented by the same counsel.

(2) That the assignment is in writing and represents the entire agreement between the parties.

(3) That the assignment agreement contains the following provisions:

(A) The assignor's name, Social Security number or tax identification number and address.

(B) The assignee's name, Social Security number or tax identification number, citizenship or resident alien number, if applicable, and address.

(C) The specific prize payment or payments assigned, or any portion thereof, including: (i) The payable due dates and amounts of each payment to be assigned. (ii) The gross amount of the annual payment or payments to be assigned before taxes.

(D) A notice of right to cancel in immediate proximity to the space reserved for the signature of the assignor in boldface type of a minimum size of 10 points which shall provide that: (i) The assignor may cancel the assignment without cost until midnight 15 business days after the day on which the assignor has signed an agreement to assign a prize or portion of a prize. (ii) Cancellation occurs when notice of cancellation is given to the assignee. (iii) Notice is sufficient if it indicates the intention of the assignor not to be bound. (iv) Notice of cancellation, if given by mail, shall be deemed given when deposited in a mailbox properly addressed and first class mail postage prepaid. Failure to provide the notice of right to cancel as provided in this subdivision shall render the assignment agreement unenforceable and the assignor may collect reasonable attorney fees in any action to enforce such agreement.

(4) That prior to execution of the assignment agreement, the assignee has provided to the assignor in writing, on a disclosure form separate and apart from the agreement, the following:

(A) The aggregate dollar value of payments assigned.

(B) The total consideration paid to the assignor by the assignee.

(C) An itemization of all other fees or costs to be paid by the assignor, or deducted from the payment to the assignor.

(5) That the assignor has represented to the court in sworn testimony, if a personal appearance is required by the court, or in the assignor's written affidavit, sworn to under penalty of perjury, that:

(A) Prior to signing the assignment agreement, the assignor reviewed the agreement and understood its terms and effects.

(B) The assignor has consulted with independent financial and tax advisors not referred by or associated with the assignee.

(C) The assignor has signed the assignment agreement acting under free will without undue influence or duress.

(D) The assignor is not under any obligation to pay child support, or is under such obligation and is in good standing with respect to that obligation or has agreed to a payment plan with the party state agency responsible for child support and is in full compliance with that plan.

(E) The assigned payment or payments are not subject to any claims, liens, levies, security interests, assignments or offsets asserted by other persons or the party states or has provided the court with written consent of each person having such an interest.

(6) If the assignor is married, the assignor has submitted to the court a signed and notarized statement of the spouse consenting to the assignment. If a notarized statement is not presented to the court, the court shall determine the ability of the assignor to make the proposed assignment without the spouse's consent.

1B.a. A winner may pledge all or any part of a prize as collateral for a loan. Notwithstanding any provision of Article 9 of the Uniform Commercial Code to the contrary, perfection of a security interest in a prize shall be completed by filing, in addition to any other filings which may be required, a financing statement with the commission.

b. In order to be entitled to receive a prize payment or payments from the commission, a secured party shall be required to obtain a certified final order of a court of competent jurisdiction which:

(1) Adjudges the prize winner in default of a loan agreement with the secured party.

(2) Makes findings with respect to the loan agreements and financing statements constituting the loan transaction which are equivalent to those required pursuant to subdivisions

1A.c.(1)-(3) of this paragraph and, in addition, a finding that truth-in-lending disclosures set forth in 12 C.F.R. §§ 226.17, 226.18, 226.19, and 226.20 were made.

(3) Identifies specific payments and awards ownership of said payments to the secured party.

c. Nothing in this paragraph shall be construed to:

(1) Create or enlarge a cause of action in favor of a secured party.

(2) Alter or impair any rule of law applicable to or governing the rights of a debtor under federal or state lending statutes.

(3) Alter or impair the provisions of Article 9 of the Uniform Commercial Code except to the extent inconsistent with the provisions of this paragraph.

1C. The commission may intervene as of right in any action pursuant to subsection 1A.c. or paragraph 1B. of this section, but shall not be deemed an indispensable or necessary party.

1D. A certified copy of the final order required by subsection 1A.b. of this section, a certified copy of the final order and the assignor's affidavit required by subsection 1 A.c. of this section, and a certified copy of the final order required by paragraph 1B. of this section shall be served on the commission together with a nonrefundable processing fee of $500.00 within 15 days after entry of the order.

1E. The commission may file a request to modify or vacate a final order pursuant to subsection 1A.c. or paragraph 1B. of this section within l5 days after service of the order on the commission.

1F. Commencing on the 30th day after full compliance with paragraph 1D. of this section, or after final determination of any motion filed to vacate or modify a final order entered pursuant to paragraph 1E. of this section, the commission shall be obligated to make payments, subject to tax withholding, in accordance with said order.

1G. No modification or amendment to an order pursuant to subsections 1A.b. or c. or paragraph 1B. of this section and no additional or subsequent assignment of a prize, shall be valid or binding on the commission unless the modification, amendment or assignment is approved by a separate court order which meets the requirements of this section.

1H. The commission, its officers, agents, and employees shall be discharged of all further liability upon payment of a prize pursuant to this section.

1I. The financial, tax, trust or personal records filed, received, maintained or produced by the commission in connection with payment of a prize as provided in this section are confidential. Such records shall not be deemed public records under 1 V.S.A. § 317. Upon written request, the commission may release the name, town of residence, date of prize, and the gross and net amounts of the annual prize payment of a winner. Financing statements filed with the commission are public records.

* * *

28. 32 V.S.A. § 5930a(h): Information submitted by a business to the Economic Progress Council regarding tax information or confidential business information

§ 5930a. VERMONT ECONOMIC PROGRESS COUNCIL

* * *

(b)(1) The Vermont Economic Progress Council, within 60 days of receipt of a complete application, shall approve or deny the following economic incentives:

(A) tax stabilization agreements and exemptions under subdivision 5404a(a)(2) of this title; and

(B) Vermont employment growth incentives (VEGI) under section 5930b of this title.

(2) All incentives are subject to application of the incentive ratio as determined under subdivision 5930b(b)(3) of this title and no tax stabilization agreement or exemption shall be approved except in conjunction with the approval of an incentive under subdivision (1)(B) of this subsection.

(c) The Council shall first review each application under subsection (b) of this section and ascertain, to the best of its judgment, that but for the economic incentive to be offered, the proposed economic development would not occur or would occur in a significantly different and significantly less desirable manner. Applications that do not meet the "but for" test are not eligible for economic incentives, and shall not be considered further by the Council. If the "but for" test is answered in the affirmative, then prior to approving any application for an economic incentive under subsection (b) of this section, the Council shall evaluate the overall consistency of each application with the following guidelines:

(1) The enterprise should create new, full-time jobs to be filled by individuals who are Vermont residents. The new jobs shall not include jobs or employees transferred from an existing business in the State, or replacements for vacant or terminated positions in the applicant's business. The new jobs include those that exceed the applicant's average annual employment level in Vermont during the two preceding years, unless the Council determines that the enterprise will establish a significantly different, new line of business and create new jobs in the new line of business that were not part of the enterprise prior to filing its application for incentives with the Council. The enterprise should provide opportunities that increase income, reduce unemployment, and reduce facility vacancy rates. Preference should be given to projects that enhance economic activity in areas of the State with the highest levels of unemployment and the lowest levels of economic activity.

(2) The new jobs should make a net positive contribution to employment in the area, and meet or exceed the prevailing compensation level, including wages and benefits, for the particular employment sector. The new jobs should offer opportunities for advancement and professional growth consistent with the employment sector.

(3) The enterprise should create positive fiscal impacts on the State, the host municipality, and the region as projected by the cost-benefit model applied by the council under subsection (d) of this section.

(4) The enterprise should be welcomed by the host municipality, and should conform to all appropriate town and regional plans and to all permit and approval requirements.

(5) The enterprise should protect or improve Vermont's natural, historical, and cultural resources, and enhance Vermont's historic settlement patterns.

(6) It is desirable for the enterprise to make use of Vermont resources.

(7) It is desirable for the enterprise to strengthen the quality of life in the host municipality, and to foster cooperation within the region.

(8) It is desirable for the enterprise to use existing infrastructure or to locate in an existing downtown redevelopment project.

(9) If the enterprise proposes to expand within a limited local market, then the enterprise should not be given an unfair competitive advantage over other Vermont businesses in the same or similar line of business and in the same limited local market as a result of the economic incentive granted.

* * *

(h) Information and materials submitted by a business concerning its income taxes and other confidential financial information shall not be subject to public disclosure under the State's public records law in 1 V.S.A. chapter 5, but shall be available to the Joint Fiscal Office or its agent upon authorization of the Joint Fiscal Committee or a standing committee of the General Assembly, and shall also be available to the auditor of accounts in connection with the performance of duties under section 163 of this title; provided, however, that the Joint Fiscal Office or its agent, and the Auditor of Accounts, shall not disclose, directly or indirectly, to any person any proprietary business information or any information which would identify a business except in accordance with a judicial order or as otherwise specifically provided by law. Nothing in this subsection shall be construed to prohibit the publication of statistical information, rulings, determinations, reports, opinions, policies, or other information so long as the data are disclosed in a form that cannot identify or be associated with a particular business.

(i) The Governor shall recommend to the General Assembly, and the General Assembly shall thereafter establish by law:

(1) an annual authorization for the total net fiscal cost of incentives the Council may approve in the authorized year under subdivision (b)(1), (4), and (5) of this section for projects that are net negative under the cost-benefit model;

(2) an annual authorization for the total net fiscal cost of incentives the Council may approve in the authorized year under subdivisions (b)(2) and (3) of this section for projects that are net negative under the cost-benefit model.

(j) By April 1 of each year, the Council and the Department of Taxes shall file a joint report on economic advancement tax incentives with the Chairs of the House Committee on Ways and Means, the House Committee on Commerce, the Senate Committee on Finance, the Senate Committee on Economic Development, Housing and General Affairs, the House and Senate Committees on Appropriations, and the Joint Fiscal Committee of the General Assembly and provide notice of the report to the members of those committees. The joint report shall contain the gross and net value of incentives granted pursuant to subdivisions (b)(1), (4), and (5) of this section and pursuant to subdivisions (b)(2) and (3) of this section during the preceding year. The joint report shall include an account of each incentive granted under subsection (b) of this section, from inception of the program to the date of the report, including the date and amount of the award, the expected calendar year or years in which the award will be exercised, whether the award is currently available, the date the award will expire, and the amount and date of all incentives exercised. The joint report shall also describe the extent to which the tax credits allowed by the Department of Taxes in the previous calendar year supported economic activity that complied with the performance expectations in the written notification of approval under subsection (k) of this section. The joint report shall summarize all credits awarded and earned, applied for, and carried forward by entities participating in the Economic Advancement Tax

Incentives Program authorized by this subchapter through the end of the preceding calendar year. The joint report shall include the claims by specific type of credit, number of participating entities, and tax type against which the credit is applied. The joint report shall also include information on award recaptures. The joint report shall also include information on economic activity, benefits to the State, and recipient performance in the fiscal year in which the credit was applied. The Department of Taxes shall develop the capacity to report by fiscal year the amount of total credits applied by tax type against the tax liabilities for the prior fiscal year and any award recaptures. The joint report shall also address the Council's conformance with the annual authorizations established in subsection (i) of this section. The Council and Department may use measures to protect confidential financial information, such as reporting information in an aggregate form or masking the identity of the tax award recipient.

* * *

29. 32 V.S.A. § 5939(b): Taxpayer records or information released to a state claimant agency under the Vermont Setoff Debt Collection Act

§ 5939. CONFIDENTIALITY EXEMPTION; NONDISCLOSURE

(a) Notwithstanding any other provision of law prohibiting disclosure by the department of the contents of taxpayer records or information and notwithstanding any confidentiality statute of any claimant agency, disclosure of the name, address and Social Security number of a debtor, amount of refund owed to a debtor, amount of debt owed by a debtor, and amount of refund attributable to the income of non-debtor spouse, between the Department and the claimant agency as necessary to effectuate the intent of this chapter, is lawful.

(b) The information obtained by a claimant agency from the Department in accordance with the exemption allowed by this section shall only be used by a claimant agency in the pursuit of its debt collection duties and practices and any person employed by, or formerly employed by, a claimant agency who discloses any such information for any other purpose, except as otherwise allowed by law, shall be penalized in accordance with the terms of section 3102 of this title as if that person were an agent of the Commissioner. The claimant agency to which information is disclosed shall provide for the protection and security of the information as required by the Commissioner.

II. Judiciary and Court Records

30. 4 V.S.A. § 602(c): Proceedings of the Judicial Nominating Board, including candidate information

§ 602. DUTIES

(a) Prior to submission of names of qualified candidates for justices of the supreme court, superior judges, magistrates, the chair of the public service board, and members of the public service board to the governor, the board shall submit to the court administrator of the supreme court a list of all candidates, and the administrator shall disclose to the board information solely about professional disciplinary action taken or pending concerning any candidate. From the list of candidates presented, the judicial nominating board shall select by majority vote, provided that a quorum is present, qualified candidates for the position to be filled.

(b) Whenever a vacancy occurs in the office of a supreme court justice or a superior judge, or when an incumbent does not declare that he or she will be a candidate to succeed himself or herself, the judicial nominating board shall submit to the governor the names of as many persons as it deems qualified to be appointed to the office. There shall be included in the qualifications for appointment that the person shall be an attorney at law who has been engaged in the practice of law or a judge in the state of Vermont for a period of at least five out of the ten years preceding appointment, and with respect to a candidate for superior judge particular consideration shall be given to the nature and extent of the candidate's trial practice.

(c) All proceedings of the board, including the names of candidates considered by the board and information about any candidate submitted by the court administrator or by any other source, shall be confidential.

31. 4 V.S.A. § 603: Names of candidates submitted by the Judicial Nominating Board to the Governor for judicial appointment when a candidate is not selected

§ 603. APPOINTMENT OF JUSTICES, JUDGES, MAGISTRATES, PUBLIC SERVICE BOARD CHAIRS, AND MEMBERS

Whenever the governor appoints a supreme court justice, a superior judge, a magistrate, a chair of the public service board, or a member of the public service board, he or she shall select from the list of names of qualified persons submitted by the judicial nominating board pursuant to law. The names of candidates submitted and not selected shall remain confidential.

32. 4 V.S.A. § 608(c): Comments regarding judicial performance received by the Joint Committee on Judicial Retention

§ 608. FUNCTIONS

(a) Declarations submitted to the general assembly by a supreme court justice under subsection 4(c) of this title, by a superior court judge under subsection 71(b) of this title, or by a magistrate under subsection 461(c) of this title shall be referred immediately to the joint committee on judicial retention. The declarations shall be accompanied by a supporting statement by the judge, the justice, or the magistrate seeking retention. In the case of a superior court judge or magistrate, the declaration shall also be accompanied by information on the next succeeding rotation schedule for the judge seeking retention.

(b) The joint committee responsible for the recommendation of retention shall review the candidacies of those justices, superior judges, and magistrates desiring to succeed themselves. In conducting its review the committee shall evaluate judicial performance, including but not limited to such factors as integrity, judicial temperament, impartiality, health, diligence, legal knowledge and ability, and administrative and communicative skills.

(c) For the purpose of receiving information and hearing testimony, the joint committee responsible for the recommendation of retention shall hold hearings which, if possible, shall not commence until the general assembly is in session. Information obtained under subsection 607(c) of this title,[3] shall be confidential until the committee commences its hearings under this subsection.

(d) A judge, a justice, or a magistrate seeking retention has the right to present oral or written testimony to the committee relative to his or her retention, may be represented by counsel, and may present witnesses to testify in his or her behalf. Copies of written comments received by the committee shall be forwarded to the judge, the justice, or the magistrate. A judge, a justice, or a magistrate seeking retention has the right to a reasonable time period to prepare and present to the committee a response to any testimony or written complaint adverse to his or her retention and has the right to be present during any public hearing conducted by the committee.

*** * ***

[3] 4 V.S.A. § 607(c) provides: "(c) The committee may use the staff and services of the legislative council to, in addition to other duties, obtain information on the performance of a judge or justice by soliciting comments from members of the Vermont bar and the public."

33. 4 V.S.A. § 740: Supreme Court records; subject to confidentiality requirements

§ 740. COURT RECORDS; DOCKETS; CERTIFIED COPIES

The Supreme Court by administrative order or directive shall provide for the preparation, maintenance, recording, indexing, docketing, preservation, and storage of all court records and the provision, subject to confidentiality requirements of law or court rules, of certified copies of those records to persons requesting them.

34. 4 V.S.A. § 741: Credit card information while such information is in the possession of a court or the Judicial Bureau

§ 741. PAYMENT BY CREDIT CARD

(a) [Repealed.]

(b) If any such card draft is not paid by the bank or other company or is charged back to the court or bureau, any record of payment made by the court or bureau honoring the card shall be void. The obligation of the person to pay the court costs, fee, penalty, surcharge, or fine shall continue as an outstanding obligation as if no payment had been made.

(c) Card account numbers, while in the possession of the court or bureau, are confidential.

35. 12 V.S.A. § 1612: Health professional may not disclose a patient's privileged information in court procedure or court documents

§ 1612. PATIENT'S PRIVILEGE

(a) Confidential information privileged. Unless the patient waives the privilege or unless the privilege is waived by an express provision of law, a person authorized to practice medicine, chiropractic, or dentistry, a registered professional or licensed practical nurse, or a mental health professional as defined in 18 V.S.A. § 7101(13) shall not be allowed to disclose any information acquired in attending a patient in a professional capacity, including joint or group counseling sessions, and which was necessary to enable the provider to act in that capacity.

(b) Identification by dentist; crime committed against patient under 16. A dentist shall be required to disclose information necessary for identification of a patient. A physician, dentist, chiropractor, or nurse shall be required to disclose information indicating that a patient who is under the age of 16 years has been the victim of a crime.

(c) Mental or physical condition of deceased patient.

(1) A physician, chiropractor, or nurse shall be required to disclose any information as to the mental or physical condition of a deceased patient privileged under subsection (a) of this section, except information which would tend to disgrace the memory of the decedent, either in the absence of an objection by a party to the litigation or when the privilege has been waived:

(A) by the personal representative, or the surviving spouse, or the next of kin of the decedent; or

(B) in any litigation where the interests of the personal representative are deemed by the trial judge to be adverse to those of the estate of the decedent, by any party in interest; or

(C) if the validity of the will of the decedent is in question, by the executor named in the will, or the surviving spouse or any heir-at-law or any of the next of kin or any other party in interest.

(2) A physician, dentist, chiropractor, mental health professional, or nurse shall be required to disclose any information as to the mental or physical condition of a deceased patient privileged under subsection (a) of this section upon request to the Chief Medical Examiner.

36. 12 V.S.A. § 1613: Attorney-client communications when client is a corporation

§ 1613. LAWYER-CORPORATE CLIENT PRIVILEGE

Communications otherwise privileged under Rule 502 of the Vermont Rules of Evidence are privileged with respect to a corporation only if the representative client is a member of the control group of the corporation, acting in his or her official capacity. However, if the communications are with a representative client who is not a member of the control group, such communications are privileged only to the extent necessary to effectuate legal representation of the corporation. For purposes of this section, "control group" means:

(1) the officers and directors of a corporation; and

(2) those persons who:

(A) have the authority to control or substantially participate in a decision regarding action to be taken on the advice of a lawyer; or

(B) have the authority to obtain professional legal services or to act on advice rendered pursuant thereto, on behalf of the corporation.

37. 12 V.S.A. § 1614: Confidential communications made by a victim of sexual or domestic assault to a crisis worker

§ 1614. VICTIM AND CRISIS WORKER PRIVILEGE

(a)(1) "Crisis worker" means an employee or volunteer who:

(A) provides direct services to victims of abuse or sexual assault for a domestic violence program or sexual assault crisis program incorporated or organized for the purpose of providing assistance, counseling or support services;

(B) has undergone 20 hours of training;

(C) works under the direction of a supervisor of the program, supervises employees or volunteers, or administers the program; and

(D) is certified by the director of the program.

(2) A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of services to the victim or those reasonably necessary for the transmission of the communication.

(b) A victim receiving direct services from a crisis worker has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to the crisis worker, including any record made in the course of providing support, counseling or assistance to the victim. The crisis worker shall be presumed to have authority to claim the privilege but only on behalf of the victim.

38. 12 V.S.A. § 1705: Court records and court proceedings that involve personally identifiable HIV-related information

§ 1705. HIV-RELATED TESTING INFORMATION

(a) No court of this state shall issue an order requiring the disclosure of individually-identifiable HIV-related testing or counseling information unless the court finds that the person seeking the information has demonstrated a compelling need for it that cannot be accommodated by other means. In assessing compelling need the court shall weigh the need for disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure which deters future testing or which may lead to discrimination.

(b) Pleadings pertaining to disclosure of HIV-related testing and counseling information shall substitute a pseudonym for the true name of the subject of the test. The subject's true name shall be communicated confidentially to the court and those parties who have a compelling need to know the subject's true name. All documents filed with the court which identify the subject's true name shall not be disclosed to any person other than those parties who have a compelling need to know the subject's true name and the subject of the test. All such documents shall be sealed upon the conclusion of proceedings under this section.

(c) Before granting any such order, the court shall provide the individual whose test information is in question with notice and a reasonable opportunity to participate in the proceedings if he or she is not already a party.

(d) Court proceedings as to disclosure of counseling and testing information shall be conducted in camera unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

(e) Upon issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure, which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

39. 12 V.S.A. § 4634: Report filed in connection with mandatory mediation program in mortgage foreclosure actions

§ 4634. MEDIATION REPORT

(a) Within seven days of the conclusion of any mediation under this subchapter, the mediator shall report in writing the results of the process to the court and both parties, and shall provide a copy of the report to the Office of the Attorney General for data collection purposes. The report submitted to the Attorney General's office shall include, in addition to the information identified in subsection (b) of this section, all applicable government loss mitigation program criteria, inputs, and calculations performed prior to or during the mediation and all information related to the requirements in subsection 4633(a)[4] of this title. The report submitted to the Attorney General's office shall be confidential, and shall be exempt from public copying and inspection under 1 V.S.A. § 317, provided that any public report by the Attorney General may include information in aggregate form.

(b) The report required by subsection (a) of this section shall not disclose the mediator's assessment of any aspect of the case or substantive matters discussed during the mediation, except as is required to report the information required by this section. The report shall contain all of the following items:

(1) The date on which the mediation was held, including the starting and finishing times.

(2) The names and addresses of all persons attending, showing their role in the mediation and specifically identifying the representative of each party who had decision-making authority.

(3) A summary of any substitute arrangement made regarding attendance at the mediation.

(4) [Repealed.]

(5) The results of the mediation, stating whether full or partial settlement was reached and appending any agreement of the parties.

(A) A statement as to whether any person required under subsection 4633(d) of this title to participate in the mediation failed to:

(i) attend the mediation;

(ii) make a good faith effort to mediate; or

(iii) supply documentation, information, or data as required by subsections 4633(a)-(c) of this title.

(B) If a statement is made under subdivision (6)(A) of this subsection (b), it shall be accompanied by a brief description of the applicable reason for the statement.

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[4] 12 V.S.A. § 4633(a) provides:

(a) During all mediations under this subchapter:

(1) the mortgagee shall use and consider available foreclosure prevention tools, including reinstatement, loan modification, forbearance, and short sale, and the calculations, assumptions, and forms established by the HAMP guidelines, including all HAMP-related "net present value" calculations in considering a loan modification conducted under this subchapter;

(2) the mortgagee shall produce for the mortgagor and mediator documentation of its consideration of the options available in this subdivision and subdivision (1) of this subsection, including the data used in and the outcome of any HAMP-related "net present value" calculation; and

(3) where the mortgagee claims that a pooling and servicing or other similar agreement prohibits modification, the mortgagee shall produce a copy of the agreement. All agreement documents shall be confidential and shall not be included in the mediator's report.

40. 12 V.S.A. § 7015: Written and oral communications related to medical malpractice pre-suit mediation.

§ 7015. CONFIDENTIALITY

All written and oral communications made in connection with or during the mediation process set forth in this chapter shall be confidential. The mediation process shall be treated as a settlement negotiation under Rule 408[5] of the Vermont Rules of Evidence.

[5] Vermont Rule of Evid. 408 provides:

(a) Prohibited uses. -- Evidence of the following is not admissible on behalf of any party, when offered to prove liability for, the invalidity of, or the amount of a claim that was disputed as to either validity or amount, or to impeach through a prior inconsistent statement or contradiction:
(1) furnishing or offering or promising to furnish -- or accepting or offering or promising to accept -- a valuable consideration in compromising or attempting to compromise the claim or any other claim;
(2) conduct or statements made in compromise negotiations regarding the claim or any other claim.
(b) Permitted uses. -- This rule does not require exclusion if the evidence is offered for purposes not prohibited by subdivision (a). Examples of permissible purposes include proving a witness's bias or prejudice; negativing a contention of undue delay; and proving an effort to obstruct a criminal investigation or prosecution.
(c) Other provisions governing compromises and offers to compromise. -- This rule governing compromise negotiations generally is subject to the more specific statute governing mediation (the Uniform Mediation Act, chapter 194 of Title 12 of Vermont Statutes Annotated) and the rule governing alternative dispute resolution (V.R.C.P. 16.3).

41. 14 V.S.A. § 2: Wrapped wills until delivered to a person entitled to receive it or until disposed of according to law; index of wills

§ 2. DEPOSIT OF WILL FOR SAFEKEEPING; DELIVERY; FINAL DISPOSITION

(a) A testator may deposit a will for safekeeping in the Probate Division of the Superior Court for the district in which the testator resides on the payment to the Court of the fee required by 32 V.S.A. § 1434(a)(17). The register shall give to the testator a certificate of deposit, shall safely keep each will so deposited and shall keep an index of the wills so deposited.

(b) Each will so deposited shall be inclosed in a sealed wrapper having inscribed thereon the name and residence of the testator, the day when and the person by whom it was deposited, and the wrapper may also have indorsed thereon the name of the person to whom the will is to be delivered after the death of the testator. The wrapper shall not be opened until it is delivered to a person entitled to receive it or until otherwise disposed of as hereinafter provided.

(c) During the life of the testator that will shall be delivered only to the testator, or in accordance with the testator's order in writing duly proved by oath of a subscribing witness, but the testator's duly authorized legal guardian may at any time inspect and copy the will in the presence of the judge or register. After the death of the testator it shall be delivered on demand to the person named in the indorsement.

(d) If the will is not called for by the person named in the indorsement, it shall be publicly opened at a time to be appointed by the Court as soon as may be after notice of the testator's death. If a petition to open a decedent's estate is filed in a district other than where the will has been kept, the will shall be delivered to the executor therein named or to the person whose name is indorsed on the wrapper or shall be filed in the other court, as the court may order.

(e) Except as provided herein, wills deposited for safekeeping or any index of wills so deposited are not open to public inspection.

42. 14 V.S.A. § 3067(e): Records of evaluation in proceedings for guardianship of mentally disabled person

§ 3067. EVALUATION AND REPORT; BACKGROUND CHECK; RELEASE OF EVALUATION

(a) When a petition is filed pursuant to section 3063 of this title, or when a motion for modification or termination is filed pursuant to subdivision 3077(a)(4) of this title, the court shall order an evaluation of the respondent. Except as otherwise provided in this subsection, the cost of the evaluation shall be paid for out of the respondent's estate or as ordered by the court. If the respondent is unable to afford some or all of the cost of the evaluation without expending income or liquid resources necessary for living expenses, the court shall order that the department of mental health or the department of disabilities, aging, and independent living provide the evaluation through qualified evaluators.

(b) The evaluation shall be performed by someone who has specific training and demonstrated competence to evaluate a person in need of guardianship. The evaluation shall be completed within 30 days of the filing of the petition with the court unless the time period is extended by the court for cause.

(c) The evaluation shall:

(1) describe the nature and degree of the respondent's disability, if any, and the level of the respondent's intellectual, developmental, and social functioning;

(2) contain recommendations, with supporting data, regarding:

(A) those aspects of his or her personal care and financial affairs which the respondent can manage without supervision or assistance;

(B) those aspects of his or her personal care and financial affairs which the respondent could manage with the supervision or assistance of support services and benefits;

(C) those aspects of his or her personal care and financial affairs which the respondent is unable to manage without the supervision of a guardian;

(D) those powers and duties as set forth in sections 3069 and 3071 of this title which should be given to the guardian, including the specific support services and benefits which should be obtained by the guardian for the respondent.

(d) The proposed guardian shall provide the court with the information and consents necessary for a complete background check. Not more than 10 days after receipt of an evaluation supporting guardianship of the respondent, the court shall order from the respective registries background checks of the proposed guardian from any available state registries, including but not limited to the adult abuse registry, child abuse registry, Vermont crime information center, and the Vermont state sex offender registry, and the court shall consider information received from the registries in determining whether the proposed guardian is suitable. However, if appropriate under the circumstances, the court may waive the background reports or may proceed with appointment of a guardian prior to receiving the background reports, provided that the court may remove a guardian if warranted by background reports which the court receives after the guardian's appointment. If the proposed guardian has lived in Vermont for fewer than five years or is a resident of another state, the court may order background checks from the respective state registries of the states in which the proposed guardian lives or has lived in the past five years or from any other source. The court shall provide copies of background check reports to the petitioner, the respondent, and the respondent's attorney.

(e) Regardless of whether the report of the evaluator supports or does not support guardianship, the court shall provide a copy of the evaluation to the respondent, the respondent's attorney, the petitioner, the guardian upon appointment, and any other individual, including the proposed guardian, determined by the court to have a strong interest in the welfare of the respondent. The evaluation shall remain confidential, and recipients of the evaluation are prohibited from sharing the evaluation. Notwithstanding the foregoing, the court may restrict access to the evaluation or portions of the evaluation upon objection by one of the parties or on the court's own motion.

43. 14 V.S.A. § 3068(e): Records of hearing in response to a petition for guardianship of mentally disabled person when the court dismisses the petition

§ 3068. HEARING

(a) The respondent, the petitioner and all other persons to whom notice has been given pursuant to section 3064 of this title may attend the hearing and testify. The respondent and the petitioner may subpoena, present and cross-examine witnesses, including those who prepared the evaluation. The court may exclude any person not necessary for the conduct of the hearing on motion of the respondent.

(b) The hearing shall be conducted in a manner consistent with orderly procedure and in a setting not likely to have a harmful effect on the mental or physical health of the respondent.

(c) The evaluation shall be received into evidence, if the persons who prepared the evaluation are available for the hearing or subject to service of subpoena. However, the court shall not be bound by the evidence contained in the evaluation, but shall make its determination upon the entire record. In all cases, the court shall make specific findings of fact, state separately its conclusions of law and direct the entry of an appropriate judgment.

(d) The petitioner may be represented by counsel in any proceedings brought under this chapter.

(e) If upon completion of the hearing and consideration of the record the court finds that the respondent is not a person in need of guardianship, it shall dismiss the petition and seal the records of the proceeding.

(f) If upon completion of the hearing and consideration of the record the court finds that the petitioner has proved by clear and convincing evidence that the respondent is a person in need of guardianship or will be a person in need of guardianship on attaining 18 years of age, it shall enter judgment specifying the powers of the guardian pursuant to sections 3069 and 3070 of this title and the duties of the guardian pursuant to section 3071 of this title.

(g) Any party to the proceeding before the court may appeal the court's decision in the manner provided in section 3080 of this title.

44. 15B V.S.A. § 312: Family Support Act; disclosure of identifying information

§ 312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES

Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address and other identifying information of the child or party not be disclosed in a pleading or other document filed in a proceeding under this title.

45. 18 V.S.A. § 9306(c): Developmental disabilities evaluation is confidential unless disclosed with party consent

§ 9306. COMPREHENSIVE EVALUATION

(a) The family division of the superior court shall mail a copy of any petition filed pursuant to section 9305 of this title to the commissioner, who shall promptly arrange for the preparation of a comprehensive evaluation of the respondent. The evaluation shall include information regarding the respondent's developmental and social functioning which is relevant to the person's need for guardianship. The evaluation shall contain recommendations and supporting data regarding the ability of the respondent to function in society without guardianship and shall specify those activities for which the respondent needs supervision and protection, and shall include information regarding the availability of one or more responsible adults to assist the individual in decision-making.

(b) The evaluation shall be prepared by a qualified developmental disabilities professional. The evaluation shall be completed within 40 days of the court's service of the petition upon the commissioner unless the time period is extended by the court for cause. The commissioner shall send the request for evaluation to the evaluator at least 30 days before it is due. The commissioner shall provide for reimbursement of the costs of the evaluation.

(c) The department shall send a copy of the evaluation to the court, the state's attorney, the director of guardianship services, and to counsel for the respondent. The evaluation is a confidential document, and shall not be further disclosed by the court and the parties without the consent of the respondent or a person authorized to act on behalf of the respondent, except that the department shall release the evaluation to a developmental services agency, if necessary, for the purpose of obtaining or improving services to the person.

(d) The evaluation shall not be used as evidence in any other judicial proceeding without the consent of the respondent or the respondent's guardian or upon order of the court.

46. 18 V.S.A. § 9309(b): Records of proceedings of guardianship hearing for developmentally disabled unless disclosed with party consent

§ 9309. HEARING AND APPEAL

(a) The respondent, the state's attorney, and all other persons to whom notice has been given pursuant to section 9307 of this title may attend the hearing and testify. The court may in its discretion receive the testimony of any other person. The respondent and state's attorney may subpoena, present, and cross-examine witnesses, including those who prepared the comprehensive evaluation. The court may exclude any person not necessary for the conduct of the hearing. The state's attorney shall consult with the interested person who requested the filing of the petition regarding the facts of the case.

(b) The hearing shall be conducted in a manner consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental or physical health of the respondent. In all proceedings, the court shall have taken and preserved an accurate record of the proceedings. The court shall not be bound by the evidence contained in the comprehensive evaluation, but shall make its determination upon the entire record. In all cases, the court shall make specific findings of fact, state separately its conclusions of law, and direct the entry of an appropriate judgment. The general public shall be excluded from hearings under this chapter, and only the parties, their counsel, the interested person who requested the filing of the petition, witnesses and other persons accompanying a party for his or her assistance, and such other persons as the court finds to have a proper interest in the case or in the work of the court may be admitted by the court. The proceedings of the hearing shall be confidential, and a record of the proceedings may not be released without the consent of the respondent or the respondent's guardian.

(c) The state's attorney shall appear and present evidence in support of the petition. The person who requested the filing of the petition may be represented by private counsel in any proceedings brought under this chapter.

(d) If, upon completion of the hearing and consideration of the record, the court finds that the respondent is not a person in need of guardianship, as defined in subdivision 9302(5) of this title, it shall dismiss the petition and seal the records of the proceedings.

(e) The court shall enter judgment specifying the powers of the commissioner pursuant to section 9310 of this title if, upon completion of the hearing and consideration of the record, the court finds that the petitioner has proved by clear and convincing evidence that the respondent is:

(1) a person with developmental disabilities;

(2) at least 18 years of age; and

(3) [Deleted.]

(4) in need of guardianship for his or her own welfare or the public welfare.

(f) The court may grant or restrict the powers of guardianship to the commissioner. An appointment of the commissioner to provide guardianship shall not constitute a judicial finding that the person is legally incompetent for all purposes, but shall only restrict the person's rights with respect to those powers expressly granted to the commissioner.

(g) Any party to the proceeding before the family division of the superior court may appeal the court's decision. The appeal shall be taken in such manner as the supreme court may by rule provide for appeals from the family division of the superior court.

III. Criminal Justice, Public Safety

47. 3 V.S.A. § 163: Information gathered in the course of the juvenile diversion process and sealed records related to a juvenile court diversion proceeding

§ 163. JUVENILE COURT DIVERSION PROJECT

(a) The Attorney General shall develop and administer a juvenile court diversion project for the purpose of assisting juveniles charged with delinquent acts. Rules which were adopted by the Vermont Commission on the Administration of Justice to implement the juvenile court diversion project shall be adapted by the Attorney General to the programs and projects established under this section.

(b) The diversion project administered by the Attorney General shall encourage the development of diversion projects in local communities through grants of financial assistance to municipalities, private groups or other local organizations. The Attorney General may require local financial contributions as a condition of receipt of project grants.

(c) All diversion projects receiving financial assistance from the Attorney General shall adhere to the following provisions:

(1) The diversion project shall only accept persons against whom charges have been filed and the court has found probable cause, but are not yet adjudicated.

(2) Alleged offenders shall be informed of their right to the advice and assistance of private counsel or the public defender at all stages of the diversion process, including the initial decision to participate, and the decision to accept the diversion contract, so that the candidate may give his or her informed consent.

(3) The participant shall be informed that his or her selection of the diversion contract is voluntary.

(4) Each state's attorney, in cooperation with the diversion project, shall develop clear criteria for deciding what types of offenses and offenders will be eligible for diversion; however, the state's attorney shall retain final discretion over the referral of each case for diversion.

(5) All information gathered in the course of the diversion process shall be held strictly confidential and shall not be released without the participant's prior consent (except that research and reports that do not require or establish the identity of individual participants are allowed).

(6) Information related to the present offense that is divulged during the diversion program shall not be used in the prosecutor's case. However, the fact of participation and success, or reasons for failure may become part of the prosecutor's records.

(7) The diversion project shall maintain sufficient records so that the reasons for success or failure of the program in particular cases and overall can be investigated by program staff.

(8) Diversion projects shall be set up to respect the rights of participants.

(9) Each participant shall pay a fee to the local juvenile court diversion project. The amount of the fee shall be determined by project officers based upon the financial capabilities of the participant. The fee shall not exceed $150.00. The fee shall be a debt due from the participant, and payment of such shall be required for successful completion of the program. Notwithstanding 32 V.S.A. § 502(a), fees collected under this subdivision shall be retained and used solely for the purpose of the court diversion program.

(d) The Attorney General is authorized to accept grants and gifts for the purposes of this section, such acceptance being pursuant to 32 V.S.A. § 5.

(e) Within 30 days of the two-year anniversary of a successful completion of juvenile diversion, the court shall order the sealing of all court files and records, law enforcement records other than entries in the juvenile court diversion project's centralized filing system, fingerprints, and photographs applicable to a juvenile court diversion proceeding unless, upon motion, the court finds:

(1) the participant has been convicted of a subsequent felony or misdemeanor during the two-year period, or proceedings are pending seeking such conviction; or

(2) rehabilitation of the participant has not been attained to the satisfaction of the court.

(f) Upon the entry of an order sealing such files and records under this section, the proceedings in the matter under this section shall be considered never to have occurred, all index references thereto shall be deleted, and the participant, the court, and law enforcement officers and departments shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency or official named therein.

(g) Inspection of the files and records included in the order may thereafter be permitted by the court only upon petition by the participant who is the subject of such records and only to those persons named therein.

(h) Subject to the approval of the Attorney General, the Vermont Association of Court Diversion Programs may develop and administer programs to assist persons under this section charged with delinquent, criminal, and civil offenses.

48. 3 V.S.A. § 164: Information gathered in the course of the adult diversion process and sealed records related to an adult court diversion proceeding

§ 164. ADULT COURT DIVERSION PROJECT

(a) The Attorney General shall develop and administer an adult court diversion project in all counties. The project shall be operated through the juvenile diversion project and shall be designed to assist adults who have been charged with a first or second misdemeanor or a first nonviolent felony. The Attorney General shall adopt only such rules as are necessary to establish an adult court diversion project for adults, in compliance with this section.

(b) The adult court diversion project administered by the Attorney General shall encourage the development of diversion projects in local communities through grants of financial assistance to municipalities, private groups or other local organizations. The Attorney General may require local financial contributions as a condition of receipt of project grants.

(c) All adult court diversion projects receiving financial assistance from the Attorney General shall adhere to the following provisions:

(1) The diversion project shall accept only persons against whom charges have been filed and the court has found probable cause, but are not yet adjudicated. The prosecuting attorney shall notify in writing the diversion program and the court of his or her intention to refer the person to diversion. If the prosecuting attorney refers a case to diversion, the prosecuting attorney may release information to the victim upon a showing of legitimate need and subject to an appropriate protective agreement defining the purpose for which the information is being released and in all other respects maintaining the confidentiality of the information; otherwise files held by the court, the prosecuting attorney, and the law enforcement agency related to the charges shall be confidential and shall remain confidential unless:

(A) the board declines to accept the case;

(B) the person declines to participate in diversion;

(C) the board accepts the case, but the person does not successfully complete diversion;

(D) the prosecuting attorney recalls the referral to diversion.

(2) Alleged offenders shall be informed of their right to the advice and assistance of private counsel or the public defender at all stages of the diversion process, including the initial decision to participate, and the decision to accept the adult diversion contract, so that the candidate may give informed consent.

(3) The participant shall be informed that his or her selection of the adult diversion contract is voluntary.

(4) Each state's attorney, in cooperation with the adult court diversion project, shall develop clear criteria for deciding what types of offenses and offenders will be eligible for diversion; however, the state's attorney shall retain final discretion over the referral of each case for diversion.

(5) All information gathered in the course of the adult diversion process shall be held strictly confidential and shall not be released without the participant's prior consent (except that research and reports that do not require or establish the identity of individual participants are allowed).

(6) Information related to the present offense that is divulged during the adult diversion program shall not be used in the prosecutor's case. However, the fact of participation and success, or reasons for failure may become part of the prosecutor's records.

(7)(A) The adult court diversion project shall maintain sufficient records so that the reasons for success or failure of the program in particular cases and overall can be investigated by program staff. These records shall include a centralized statewide filing system that will include the following information about individuals who have successfully completed an adult court diversion program:

(i) name and date of birth;

(ii) offense charged and date of offense;

(iii) place of residence;

(iv) county where diversion process took place; and

(v) date of completion of diversion process.

(B) These records shall not be available to anyone other than the participant and his or her attorney, state's attorneys, the Attorney General and directors of adult court diversion projects.

(8) Adult court diversion projects shall be set up to respect the rights of participants.

(9) Each participant shall pay a fee to the local adult court diversion project. The amount of the fee shall be determined by project officers or employees based upon the financial capabilities of the participant. The fee shall not exceed $300.00. The fee shall be a debt due from the participant, and payment of such shall be required for successful completion of the program. Notwithstanding 32 V.S.A. § 502(a), fees collected under this subdivision shall be retained and used solely for the purpose of the court diversion program.

(d) The Attorney General is authorized to accept grants and gifts for the purposes of this section, such acceptance being pursuant to 32 V.S.A. § 5.

(e) Within 30 days of the two-year anniversary of a successful completion of adult diversion, the court shall provide notice to all parties of record of the court's intention to order the sealing of all court files and records, law enforcement records other than entries in the adult court diversion project's centralized filing system, fingerprints, and photographs applicable to the proceeding. The court shall give the state's attorney an opportunity for a hearing to contest the sealing of the records. The court shall seal the records if it finds:

(1) two years have elapsed since the successful completion of the adult diversion program by the participant and the dismissal of the case by the state's attorney; and

(2) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction; and

(3) rehabilitation of the participant has been attained to the satisfaction of the court.

(f) Upon the entry of an order sealing such files and records under this section, the proceedings in the matter under this section shall be considered never to have occurred, all index references thereto shall be deleted, and the participant, the court, and law enforcement officers and departments shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency or official named therein.

(g) Inspection of the files and records included in the order may thereafter be permitted by the court only upon petition by the participant who is the subject of such records, and only to those persons named therein.

(h) The process of automatically sealing records as provided in this section shall only apply to those persons who completed diversion on or after July 1, 2002. Any person who completed diversion prior to July 1, 2002 must apply to the court to have his or her records sealed. Sealing shall occur if the requirements of subsection (e) of this section are met.

(i) Subject to the approval of the Attorney General, the Vermont Association of Court Diversion Programs may develop and administer programs to assist persons under this section charged with delinquent, criminal, and civil offenses.

49. 12 V.S.A. §§ 7106 and 7108: Windsor County Youth Court proceedings

§ 7106. CONFIDENTIALITY

All proceedings and records of the youth court are subject to the same rules governing the confidentiality of court diversion matters, and all participants in youth court proceedings shall maintain that confidentiality. All records of youth court proceedings shall remain the property of court diversion.

§ 7108. AUDIO RECORDING

An audio recording shall be made of all proceedings of the youth court. The audio recording shall be subject to the same confidentiality criteria as other court diversion matters.

50. 13 V.S.A. § 3504(g): Information collected in support of investigations or studies by the Commissioner of Public Safety regarding illness, disease, or death likely to have been caused by a weapon of mass destruction

§ 3504. REPORTING ILLNESSES, DISEASES, INJURIES AND DEATHS ASSOCIATED WITH WEAPONS OF MASS DESTRUCTION

(a)(1) Illness, disease, injury or death. A health care provider shall report all cases of persons who exhibit any illness, disease, injury or death identified by the department of health as likely to be caused by a weapon of mass destruction, which may include illnesses, diseases, injuries or deaths which:

(A) can result from bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents or biological toxins, and might pose a risk of a significant number of human fatalities or incidents of permanent or long-term disability; or

(B) may be caused by the biological agents listed in 42 C.F.R. Part 72, Appendix A.

(2) This section does not authorize, nor shall it be interpreted to authorize, unreasonable searches and seizures by public health care employees; nor does this section authorize performance of diagnostic tests or procedures for the specific purpose of incriminating patients, unless the patient consents to such specific tests or procedures after notice of his or her constitutional rights and knowing waiver of them.

(3) Health care providers who make good faith reports to the department of health under this section shall be immune from prosecution, suit, administrative or regulatory sanctions for defamation, breach of confidentiality or privacy, or any other cause of action based on such reports or errors contained in such reports.

(b) Pharmacists. A pharmacist shall report any unusual or increased prescription requests, unusual types of prescriptions, or unusual trends in pharmacy visits that may result from bioterrorist acts, epidemic or pandemic disease, or novel and highly fatal infectious agents or biological toxins, and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. Prescription-related events that require a report include, but are not limited to:

(1) an unusual increase in the number of prescriptions to treat fever, respiratory or gastrointestinal complaints;

(2) an unusual increase in the number of prescriptions for antibiotics;

(3) an unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory or gastrointestinal complaints; and

(4) any prescription that treats a disease that is relatively uncommon and may be the result of bioterrorism.

(c)(1) Manner of reporting. A report made pursuant to subsection (a) or (b) of this section shall be made in writing within 24 hours to the commissioner of health, or designee.

(2) The report shall include as much of the following information as is available:

(A) The patient's name, date of birth, sex, race and current address (including city and county).

(B) The name and address of the health care provider, and of the reporting individual, if different.

(C) Any other information as determined by the commissioner of health.

(3) The department of health shall establish a form, which may be filed electronically, for use in filing the reports required by this subsection.

(d)(1) Animal diseases. Every veterinarian, livestock owner, veterinary diagnostic laboratory director or other person having the care of animals, shall report animals having or suspected of having any disease that can result from bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents or biological toxins, and might pose a risk of a significant number of human and animal fatalities or incidents of permanent or long-term disability.

(2) A report made pursuant to this subsection shall be made, in writing, within 24 hours to the commissioner of health or designee, and shall include as much of the following information as is available: the location or suspected location of the animal, the name and address of any known owner, and the name and address of the reporting individual.

(e) Laboratories. For purposes of this section only, the term "health care provider" shall also include out-of-state medical laboratories that have agreed to the reporting requirements of this state. Results must be reported by the laboratory that performs the test, but an in-state laboratory that sends specimens to an out-of-state laboratory is also responsible for reporting results.

(f) Enforcement. The department of health may enforce the provisions of this section in accordance with chapters 3 and 11 of Title 18.

(g) Disclosure. Information collected pursuant to this section and in support of investigations and studies undertaken by the commissioner in response to reports made pursuant to this section shall be privileged and confidential. This subsection shall not apply to the disclosure of information to a law enforcement agency for a legitimate law enforcement purpose.

(h) Rulemaking. The commissioner of health shall, after consultation with the commissioner of public safety, adopt rules to implement this section. The rules adopted pursuant to this subsection shall include methods to ensure timely communication from the department of health to the department of public safety.

51. 13 V.S.A. § 5305(a): Address or telephone number of crime victim who requests notification of release or escape of a defendant

§ 5305. INFORMATION CONCERNING RELEASE FROM CONFINEMENT

(a) Victims, other than victims of acts of delinquency, and affected persons shall have the right to request notification by the agency having custody of the defendant before the defendant is released, including a release on bail or conditions of release, furlough or other community program, or whenever the defendant escapes, is recaptured, dies, or receives a pardon or commutation of sentence. Notice shall be given to the victim or affected person as expeditiously as possible at the address or telephone number provided to the agency having custody of the defendant by the person requesting notice. Any address or telephone number so provided shall be kept confidential.

(b) If the defendant is released on conditions at arraignment, the prosecutor's office shall inform the victim of a listed crime of the conditions of release.

(c) If requested by a victim of a listed crime, the department of corrections shall:

(1) at least 30 days before a parole board hearing concerning the defendant, inform the victim of the hearing and of the victim's right to testify before the parole board or to submit a written statement for the parole board to consider; and

(2) promptly inform the victim of the decision of the parole board, including providing to the victim any conditions attached to the defendant's release on parole.

52. 13 V.S.A. § 5322: Name or identifying information of an applicant to the Victim's Compensation Program, or a victim named in a restitution judgment order, or a recipient of the Domestic and Sexual Violence Survivor's Transitional Employment Program

§ 5322. CONFIDENTIALITY

When responding to a request for public records, or on any State website or State payment report, the State of Vermont shall not disclose to the public the name or any other identifying information, including the town of residence or the type or purpose of the payment, of an applicant to the Victim's Compensation Program, a victim named in a restitution judgment order, or a recipient of the Domestic and Sexual Violence Survivors' Transitional Employment Program.

53. 13 V.S.A. § 5358a and 1 V.S.A. § 317(c)(41): Documents reviewed by the Victim's Compensation Board for purposes of approving an application compensation.

§ 5358a. APPLICATION INFORMATION; CONFIDENTIALITY

(a) All documents reviewed by the Victims Compensation Board for purposes of approving an application for compensation shall be confidential and shall not be disclosed without the consent of the victim except as provided in this section and subsection 7043(c)[6] of this title.

(b) For the purpose of requesting restitution, the amount of assistance provided by the Victims Compensation Board shall be established by copies of bills submitted to the Victims Compensation Board reflecting the amount paid by the Board and stating that the services for which payment was made were for uninsured pecuniary losses.

(c) The following shall be confidential and shall be redacted by the Victims Compensation Board for any purpose including restitution: the victim's residential address, telephone number, and other contact information and the victim's Social Security number. In cases involving stalking, sexual offenses, and domestic violence, the following information shall also be confidential and shall not be disclosed by the Victims Compensation Board for any purpose, including restitution, absent a court order:

(1) the victim's employer's name, telephone number, address, or any other contact information; and

(2) the victim's medical or mental health provider's name, telephone number, address, or any other contact information.

1 V.S.A. § 317(c). Definitions; public agency; public records and documents

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

* * *

(41) documents reviewed by the Victims Compensation Board for purposes of approving an application for compensation pursuant to 13 V.S.A. chapter 167, except as provided by 13 V.S.A. §§ 5358a(b) and 7043(c);

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[6] 13 V.S.A. § 7043 provides:

(c) Restitution hearing.

(1) Unless the amount of restitution is agreed to by the parties at the time of sentencing, the Court shall set the matter for a restitution hearing.

(2) Prior to the date of the hearing, the prosecuting attorney shall provide the defendant with a statement of the amount of restitution claimed together with copies of bills that support the claim for restitution. If any amount of the restitution claim has been paid by the Victims Compensation Fund, the prosecuting attorney shall provide the defendant with copies of bills submitted by the Victims Compensation Board pursuant to section 5358a of this title.

(3) Absent consent of the victim, medical and mental health records submitted to the Victims Compensation Board shall not be discoverable for the purposes of restitution except by order of the Court. If the defendant files a motion to view copies of such records, the prosecuting attorney shall file the records with the Court under seal. The Court shall conduct an in camera review of the records to determine what records, if any, are relevant to the parties' dispute with respect to restitution. If the Court orders disclosure of the documents, the court shall issue a protective order defining the extent of dissemination of the documents to any person other than the defendant, the defendant's attorney, and the prosecuting attorney.

54. 13 V.S.A. §§ 5402, 5411, and 5411a: Sex Offender Registry information may only be disclosed in accordance with law

55. 13 V.S.A. §§ 5402(b), 5411(b)(1), and 5411a(d): The identity of a victim of an offense that requires registration on the Sex Offender Registry

56. 13 V.S.A. § 5411(d): Information about requesters of Sex Offender Registry records

§ 5402. SEX OFFENDER REGISTRY

(a) The department of public safety shall establish and maintain a sex offender registry, which shall consist of the information required to be filed under this subchapter.

(b) All information contained in the registry may be disclosed for any purpose permitted under the law of this state, including use by:

(1) local, state, and federal law enforcement agencies exclusively for lawful law enforcement activities;

(2) state and federal governmental agencies for the exclusive purpose of conducting confidential background checks;

(3) any employer, including a school district, who is authorized by law to request records and information from the Vermont criminal information center, where such disclosure is necessary to protect the public concerning persons required to register under this subchapter. The identity of a victim of an offense that requires registration shall not be released;

(4) a person identified as a sex offender in the registry for the purpose of reviewing the accuracy of any record relating to him or her. The identity of a victim of an offense that requires registration shall not be released; and

(5) probate courts for purposes of conducting checks on persons applying for changes of name under section 811 of Title 15.

* * *

§ 5411. NOTIFICATION TO LOCAL LAW ENFORCEMENT AND LOCAL COMMUNITY

(a) Upon receiving a sex offender's registration materials from the Department of Corrections, notification that a nonresident sex offender has crossed into Vermont for the purpose of employment, carrying on a vocation, or being a student, or a sex offender's release or change of address, including changes of address which involve taking up residence in this State, the Department shall immediately notify the local law enforcement agency of the following information, which may be used only for lawful law enforcement activities:

(1) name;

(2) general physical description;

(3) nature of offense;

(4) sentence;

(5) the fact that the Registry has on file additional information, including the sex offender's photograph and fingerprints;

(6) current employment;

(7) name and address of any postsecondary educational institution at which the sex offender is enrolled as a student; and

(8) whether the offender complied with treatment recommended by the Department of Corrections.

(b)(1) Except as provided for in subsections (c) and (e) of this section, the Department, the Department of Corrections, and any authorized local law enforcement agency shall release Registry information concerning persons required to register under State law if the requestor can articulate a concern about the behavior of a specific person regarding the requestor's personal safety or the safety of another, or the requestor has reason to believe that a specific person may be a registered sex offender and can articulate a concern regarding the requestor's personal safety or the safety of another. However, the identity of a victim of an offense shall not be released.

(2) The Department, the Department of Corrections, and any authorized local law enforcement agency shall release the following Registry information if the requestor meets the requirements in subdivision (1) of this subsection:

(A) a general physical description of the offender;

(B) date of birth;

(C) the date and nature of the offense;

(D) whether the offender complied with treatment recommended by the Department of Corrections; and

(E) whether there is an outstanding warrant for the offender's arrest.

(c)(1) Except as provided for in subsection (e) of this section, upon request of a member of the public about a specific person, the Department, the Department of Corrections, and any authorized local law enforcement agency shall release Registry information on sex offenders whose information is required to be posted on the Internet in accordance with section 5411a of this title.

(2) The Department, the Department of Corrections, and any authorized local law enforcement agency shall release the following Registry information to a requestor in accordance with subdivision (1) of this subsection:

(A) the offender's known aliases;

(B) the offender's date of birth;

(C) a general physical description of the offender;

(D) the offender's town of residence;

(E) the date and nature of the offender's conviction;

(F) if the offender is under the supervision of the Department of Corrections, the name and telephone number of the local Department of Corrections office in charge of monitoring the offender;

(G) whether the offender complied with treatment recommended by the Department of Corrections;

(H) whether there is an outstanding warrant for the offender's arrest; and

(I) the reason for which the offender information is accessible under subdivision (1) of this subsection.

(3)(A) The Department, the Department of Corrections, and any authorized local law enforcement agency may, at the discretion of an authorized law enforcement officer, release the current address of an offender listed in subdivision (1) of this subsection if the requestor can articulate a concern regarding the requestor's personal safety or the safety of another, and the requirements of subsection (d) of this section have been satisfied.

(B) For purposes of this subdivision, "authorized law enforcement officer" means a sheriff, a chief of police, the Commissioner of Public Safety, the State's Attorney of Essex County, or a designee. The designee shall be a certified law enforcement officer whose authority is granted or given by the sheriff, chief of police, Commissioner of Public Safety, or State's Attorney of Essex County, either through explicit order or Department policy.

(d) The Department, the Department of Corrections, and any local law enforcement agency authorized to release Registry information shall keep a log of requests for registry information and follow the procedure for verification of the requestor's identity recommended by the Department. Such log shall include the requestor's name, address, telephone number, the name of the person for whom the request was made, the reason for the request, and the date of the request. Information about requestors shall be confidential and shall only be accessible to criminal justice agencies.

(e) After 10 years have elapsed from the completion of the sentence, a person required to register as a sex offender for life pursuant to section 5407 of this title who is not designated as a noncompliant high-risk sex offender pursuant to section 5411d of this title may petition the Criminal Division of the Superior Court for a termination of community notification, including the Internet. The State shall make a reasonable attempt to notify the victim of the proceeding, and consider victim testimony regarding the petition. If the registrant was convicted of a crime which requires lifetime registration, there shall be a rebuttable presumption that the person is a high-risk sex offender. Should the registrant present evidence that he or she is not a high-risk offender, the State shall have the burden of proof to establish by a preponderance of the evidence that the person remains a high risk to reoffend. The Court shall consider whether the offender has successfully completed sex offender treatment. The Court may require the offender to submit to a psychosexual evaluation. If the Court finds that there is a high risk of reoffense, notification shall continue. The Vermont Rules of Civil Procedure shall apply to these proceedings. A lifetime registrant may petition the Court to be removed from community notification requirements once every 60 months. The presumption under this section that a lifetime registrant is a high-risk offender shall not automatically subject the offender to increased public access to his or her status as a sex offender and related information under subdivision (c)(1) of this section or section 5411a of this title.

(f) Registry information shall not be released under this section unless it is released pursuant to written protocols governing the manner and circumstances of the release developed by the Department, the Department of Corrections, or an authorized law enforcement agency. The protocols shall include consultation between the department or agency releasing the information and the Department of Corrections' staff member responsible for supervising the offender.

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY[7]

(a) Notwithstanding 20 V.S.A. §§ 2056a-2056e, the Department shall electronically post information on the Internet in accordance with subsection (b) of this section regarding the following sex offenders, upon their release from confinement:

(1) Sex offenders who have been convicted of:

(A) Aggravated sexual assault of a child (13 V.S.A. § 3253a).

(B) Aggravated sexual assault (13 V.S.A. § 3253).

[7] Version effective unless and until contingency is satisfied so that addresses are posted electronically pursuant to 2009, No. 58, §§ 14 and 28(e); 2009, No. 58, § 14 has most recently be amended by 2014, No. 181, § 2.

(C) Sexual assault (13 V.S.A. § 3252).

(D) Kidnapping with intent to commit sexual assault (13 V.S.A. § 2405(a)(1)(D)).

(E) Lewd or lascivious conduct with child (13 V.S.A. § 2602).

(F) A second or subsequent conviction for voyeurism (13 V.S.A. § 2605(b) or (c)).

(G) Slave traffic if a registrable offense under subdivision 5401(10)(B)(iv) of this title (13 V.S.A. § 2635).

(H) Sex trafficking of children or sex trafficking by force, fraud, or coercion (13 V.S.A. § 2635a).

(I) Sexual exploitation of a minor (13 V.S.A. § 3258(c)).

(J) Any offense regarding the sexual exploitation of children (chapter 64 of this title).

(K) Sexual abuse of a vulnerable adult (13 V.S.A. § 1379).

(L) Human trafficking as defined in subdivisions 2652(a)(1)-(4) of this title.

(M) Aggravated human trafficking as defined in subdivision 2653(a)(4) of this title.

(N) A federal conviction in federal court for any of the following offenses:

(i) Sex trafficking of children as defined in 18 U.S.C. § 1591.

(ii) Aggravated sexual abuse as defined in 18 U.S.C. § 2241.

(iii) Sexual abuse as defined in 18 U.S.C. § 2242.

(iv) Sexual abuse of a minor or ward as defined in 18 U.S.C. § 2243.

(v) Abusive sexual contact as defined in 18 U.S.C. § 2244.

(vi) Offenses resulting in death as defined in 18 U.S.C. § 2245.

(vii) Sexual exploitation of children as defined in 18 U.S.C. § 2251.

(viii) Selling or buying of children as defined in 18 U.S.C. § 2251A.

(ix) Material involving the sexual exploitation of minors as defined in 18 U.S.C. § 2252.

(x) Material containing child pornography as defined in 18 U.S.C. § 2252A.

(xi) Production of sexually explicit depictions of a minor for import into the United States as defined in 18 U.S.C. § 2260.

(xii) Transportation of a minor for illegal sexual activity as defined in 18 U.S.C. § 2421.

(xiii) Coercion and enticement of a minor for illegal sexual activity as defined in 18 U.S.C. § 2422.

(xiv) Transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places as defined in 18 U.S.C. § 2423.

(xv) Transmitting information about a minor to further criminal sexual conduct as defined in 18 U.S.C. § 2425.

(xvi) Trafficking in persons as defined in 18 U.S.C. sections 2251-2252(a), 2260, or 2421-2423 if the violation included sexual abuse, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse.

(O) An attempt to commit any offense listed in this subdivision (a)(1).

(2) Sex offenders who have at least one prior conviction for an offense described in subdivision 5401(10) of this subchapter.

(3) Sex offenders who have failed to comply with sex offender registration requirements and for whose arrest there is an outstanding warrant for such noncompliance. Information on offenders shall remain on the Internet only while the warrant is outstanding.

(4) Sex offenders who have been designated as sexual predators pursuant to section 5405 of this title.

(5)(A) Sex offenders who have not complied with sex offender treatment recommended by the Department of Corrections or who are ineligible for sex offender treatment. The Department of Corrections shall establish rules for the administration of this subdivision and shall specify what circumstances constitute noncompliance with treatment and criteria for ineligibility to participate in treatment. Offenders subject to this provision shall have the right to appeal the Department of Corrections' determination in Superior Court in accordance with Rule 75 of the Vermont Rules of Civil Procedure. This subdivision shall apply prospectively and shall not apply to those sex offenders who did not comply with treatment or were ineligible for treatment prior to March 1, 2005.

(B) The Department of Corrections shall notify the Department if a sex offender who is compliant with sex offender treatment completes his or her sentence but has not completed sex offender treatment. As long as the offender complies with treatment, the offender shall not be considered noncompliant under this subdivision and shall not be placed on the Internet Registry in accordance with this subdivision alone. However, the offender shall submit to the department proof of continuing treatment compliance every three months. Proof of compliance shall be a form provided by the Department that the offender's treatment provider shall sign, attesting to the offender's continuing compliance with recommended treatment. Failure to submit such proof as required under this subdivision (B) shall result in the offender's placement on the Internet Registry in accordance with subdivision (A) of this subdivision (5).

(6) Sex offenders who have been designated by the Department of Corrections, pursuant to section 5411b of this title, as high-risk.

(7) A person 18 years of age or older who resides in this State, other than in a correctional facility, and who is currently or, prior to taking up residence within this State was required to register as a sex offender in any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court; except that, for purposes of this subdivision:

(A) conduct which is criminal only because of the age of the victim shall not be considered an offense for purposes of the registry if the perpetrator is under the age of 18 and the victim is at least 12 years old; and

(B) information shall be posted electronically only if the offense for which the person was required to register in the other jurisdiction was:

(i) a felony; or

(ii) a misdemeanor punishable by more than six months of imprisonment.

(b) The Department shall electronically post the following information on sex offenders designated in subsection (a) of this section:

(1) the offender's name and any known aliases;

(2) the offender's date of birth;

(3) a general physical description of the offender;

(4) a digital photograph of the offender;

(5) the offender's town of residence;

(6) the date and nature of the offender's conviction;

(7) if the offender is under the supervision of the Department of Corrections, the name and telephone number of the local Department of Corrections office in charge of monitoring the sex offender;

(8) whether the offender complied with treatment recommended by the Department of Corrections;

(9) a statement that there is an outstanding warrant for the offender's arrest, if applicable;

(10) the reason for which the offender information is accessible under this section;

(11) whether the offender has been designated high-risk by the Department of Corrections pursuant to section 5411b of this title; and

(12) if the offender has not been subject to a risk assessment, a statement that the offender has not been so assessed and that such a person is presumed to be high risk, provided that the Department of Corrections shall permit a person subject to this subdivision to obtain a risk assessment at the person's own expense.

(c) The Department shall have the authority to take necessary steps to obtain digital photographs of offenders whose information is required to be posted on the Internet and to update photographs as necessary. An offender shall annually report to the department or a local law enforcement agency for the purpose of being photographed for the Internet.

(d) An offender's street address shall not be posted electronically. The identity of a victim of an offense that requires registration shall not be released.

(e) Information regarding a sex offender shall not be posted electronically if the conduct that is the basis for the offense is criminal only because of the age of the victim and the perpetrator is within 38 months of age of the victim.

(f) Information regarding a sex offender shall not be posted electronically prior to the offender reaching the age of 18, but such information shall be otherwise available pursuant to section 5411 of this title.

(g) Information on sex offenders shall be posted on the Internet for the duration of time for which they are subject to notification requirements under section 5401 et seq. of this title.

* * *

(k) If a sex offender's information is required to be posted electronically pursuant to subdivision (a)(2) of this section, the department shall list the offender's convictions for any crime listed in subdivision 5401(10) of this title, regardless of the date of the conviction or whether the offender was required to register as a sex offender based upon that conviction.

(l) A sex offender's street address shall not be posted electronically if the offender has a developmental disability, receives funding from the Department of Disabilities, Aging, and Independent Living (DAIL) for 24-hour supervision and treatment, and resides in a residence that is equipped with alarms. However, this information shall be otherwise available pursuant to this section. An agency designated pursuant to 18 V.S.A. § 8907 to provide mental health and developmental disability services (DA), or a specialized service agency (SSA) operating under an agreement entered into pursuant to 18 V.S.A. § 8912 which is providing supervision for the offender shall immediately notify the administrator of the Sex Offender Registry and local law enforcement if the individual's level of supervision is decreased from 24 hours or if the offender leaves his or her residence without authorization, and thereafter this subsection shall cease to apply to that offender. If after notice and hearing, the Commissioner of DAIL finds that the DA or SSA has failed to notify the administrator of the Sex Offender Registry and local law enforcement of a decrease from 24-hour supervision or absence without authorization by the offender within 24 hours of the change in status, the Commissioner may impose an administrative penalty of not more than $1,000.00 for each day of the violation. A DA or SSA shall have the right to a de novo appeal of a decision under this subsection pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

57. 13 V.S.A. § 7041: Records or files of a law enforcement agency related to an expunged deferred sentence; special index of deferred sentences for sex offenses that require registration

§ 7041. DEFERRED SENTENCE

(a) Upon an adjudication of guilt and after the filing of a presentence investigation report, the court may defer sentencing and place the respondent on probation upon such terms and conditions as it may require if a written agreement concerning the deferring of sentence is entered into between the state's attorney and the respondent and filed with the clerk of the court.

(b) Notwithstanding subsection (a) of this section, the court may defer sentencing and place the respondent on probation without a written agreement between the state's attorney and the respondent if the following conditions are met:

(1) the respondent is 28 years old or younger;

(2) the crime for which the respondent is being sentenced is not a listed crime as defined in subdivision 5301(7) of this title;

(3) the court orders a presentence investigation in accordance with the procedures set forth in Rule 32 of the Vermont Rules of Criminal Procedure, unless the state's attorney agrees to waive the presentence investigation;

(4) the court permits the victim to submit a written or oral statement concerning the consideration of deferment of sentence;

(5) the court reviews the presentence investigation and the victim's impact statement with the parties; and

(6) the court determines that deferring sentence is in the interest of justice.

(c) Notwithstanding subsections (a) and (b) of this section, the court may not defer a sentence for a violation of section 3253a (aggravated sexual assault of a child, section 2602 (lewd and lascivious conduct with a child unless the victim and the defendant were within five years of age and the act was consensual), 3252(c) (sexual assault of a child under 16 unless the victim and the defendant were within five years of age and the act was consensual), 3252(d) or (e) (sexual assault of a child), 3253(a)(8) (aggravated sexual assault), or 3253a (aggravated sexual assault of a child) of this title.

(d) Entry of deferment of sentence shall constitute an appealable judgment for purposes of appeal in accordance with section 2383 of Title 12 and Rule 3 of the Vermont Rules of Appellate Procedure. Except as otherwise provided, entry of deferment of sentence shall constitute imposition of sentence solely for the purpose of sentence review in accordance with section 7042 of this title. The court may impose sentence at any time if the respondent violates the conditions of the deferred sentence during the period of deferment.

(e) Upon violation of the terms of probation or of the deferred sentence agreement, the court shall impose sentence. Upon fulfillment of the terms of probation and of the deferred sentence agreement, the court shall strike the adjudication of guilt and discharge the respondent. Except as provided in subsection (h) of this section, the record of the criminal proceedings shall be expunged upon the discharge of the respondent from probation, absent a finding of good cause by the court. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the deferred sentence. Copies of the order shall be sent to each agency, department, or official named therein. Thereafter, the court, law enforcement officers, agencies, and departments shall

reply to any request for information that no record exists with respect to such person upon inquiry in the matter. Notwithstanding this subsection, the record shall not be expunged until restitution has been paid in full.

(f) A deferred sentence imposed under subsection (a) or (b) of this section may include a restitution order issued pursuant to section 7043 of this title. Nonpayment of restitution shall not constitute grounds for imposition of the underlying sentence.

(g) [Deleted.]

(h) The Vermont criminal information center shall retain a special index of deferred sentences for sex offenses that require registration pursuant to subchapter 3 of chapter 167 of this title. This index shall only list the name and date of birth of the subject of the expunged files and records, the offense for which the subject was convicted, and the docket number of the proceeding which was the subject of the expungement. The special index shall be confidential and may be accessed only by the director of the Vermont criminal information center and a designated clerical staffperson for the purpose of providing information to the department of corrections in the preparation of a presentence investigation in accordance with 28 V.S.A. §§ 204 and 204a.

58. 18 V.S.A. § 4473(b)(5)(A): Records of appeal before the Medical Marijuana Review Board

§ 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND PROCEDURES

(a) To become a registered patient, a person must be diagnosed with a debilitating medical condition by a health care professional in the course of a bona fide health care professional-patient relationship.

(b) The department of public safety shall review applications to become a registered patient using the following procedures:

(1) A patient with a debilitating medical condition shall submit, under oath, a signed application for registration to the department. If the patient is under the age of 18, the application must be signed by both the patient and a parent or guardian. The application shall require identification and contact information for the patient and the patient's registered caregiver applying for authorization under section 4474 of this title, if any, and the patient's designated dispensary under section 4474e of this title, if any. The applicant shall attach to the application a medical verification form developed by the department pursuant to subdivision (2) of this subsection.

(2) The department of public safety shall develop a medical verification form to be completed by a health care professional and submitted by a patient applying for registration in the program. The form shall include:

(A) A cover sheet which includes the following:

(i) A statement of the penalties for providing false information.

(ii) Definitions of the following statutory terms:

(I) "Bona fide health care professional-patient relationship" as defined in section 4472 of this title.

(II) "Debilitating medical condition" as defined in section 4472 of this title.

(III) "Health care professional" as defined in section 4472 of this title.

(B) A verification sheet which includes the following:

(i) A statement that a bona fide health care professional-patient relationship exists under section 4472 of this title, or that under subdivision (3)(A) of this subsection (b), the debilitating medical condition is of recent or sudden onset, and the patient has not had a previous health care professional who is able to verify the nature of the disease and its symptoms.

(ii) A statement that reasonable medical efforts have been made over a reasonable amount of time without success to relieve the symptoms.

(iii) A statement that the patient has a debilitating medical condition as defined in section 4472 of this title, including the specific disease or condition which the patient has and whether the patient meets the criteria under section 4472.

(iv) A signature line which provides in substantial part: "I certify that I meet the definition of ‘health care professional’ under 18 V.S.A. § 4472, that I am a health care professional in good standing in the state of and that the facts stated above are accurate to the best of my knowledge and belief."

(v) The health care professional's contact information, license number, category of his or her health care profession as defined in subdivision 4472(6) of this title, and contact information for the out-of-state licensing agency, if applicable. The department of public safety shall adopt rules for verifying the goodstanding of out-of-state health care professionals.

(3)(A) The department of public safety shall transmit the completed medical verification form to the health care professional and contact him or her for purposes of confirming the accuracy of the information contained in the form. The department may approve an application, notwithstanding the six-month requirement in section 4472 of this title, if the department is satisfied that the medical verification form confirms that the debilitating medical condition is of recent or sudden onset, and that the patient has not had a previous health care professional who is able to verify the nature of the disease and its symptoms.

(B) If the health care professional is licensed in another state as provided section 4472 of this title, the department shall verify that the health care professional is in good standing in that state.

(4) The department shall approve or deny the application for registration in writing within 30 days from receipt of a completed registration application. If the application is approved, the department shall issue the applicant a registration card which shall include the registered patient's name and photograph, the registered patient's designated dispensary, if any, and a unique identifier for law enforcement verification purposes under section 4474d of this title.

(5)(A) A review board is established. The medical practice board shall appoint three physicians licensed in Vermont to constitute the review board. If an application under subdivision (1) of this subsection is denied, within seven days the patient may appeal the denial to the board. Review shall be limited to information submitted by the patient under subdivision (1) of this subsection, and consultation with the patient's treating health care professional. All records relating to the appeal shall be kept confidential. An appeal shall be decided by majority vote of the members of the board.

* * *

59. 20 V.S.A. § 1941: All DNA samples submitted to the Department of Public Safety laboratory; DNA records

§ 1941. CONFIDENTIALITY OF RECORDS

(a) All DNA samples submitted to the laboratory pursuant to this subchapter shall be confidential.

(b) DNA records shall not be used for any purpose other than as provided in section 1937[8] of this subchapter; provided that in appropriate circumstances such records may be used to identify missing persons.

(c) Any person who intentionally violates this section shall be imprisoned not more than one year or fined not more than $10,000.00, or both.

(d) Any individual aggrieved by a violation of this section may bring an action for civil damages including punitive damages, equitable relief, including restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, reasonable attorney's fees and other appropriate relief.

[8] 20 V.S.A. § 1937 (authorized analysis of DNA samples) provides:
(a) Analysis of DNA samples is authorized:
(1) to type the genetic markers from DNA samples for law enforcement identification purposes;
(2) if personal identifying information is removed, for protocol development and administrative purposes, including:
(A) development of a population database;
(B) to support identification protocol development of forensic DNA analysis methods; and
(C) for quality control purposes; or
(3) to assist in the identification of human remains.
(b) Analysis of DNA samples obtained pursuant to this subchapter is not authorized for identification of any medical or genetic disorder.

60. 20 V.S.A. §§ 2056–2056h, 2060: Records of the Vermont Crime Information Center (VCIC)

§ 2056. CERTIFIED RECORDS

Upon the request of a superior judge, the attorney general, or a state's attorney, the center shall prepare the record of arrests, convictions, or sentences of a person. The record, when duly certified by the commissioner of public safety or the director of the center, shall be competent evidence in the courts of this state. Such other information as is contained in the center may be made public only with the express approval of the commissioner of public safety.

§ 2056a. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO CRIMINAL JUSTICE AGENCIES

(a) As used in this section:

(1) "Criminal history record" means all information documenting an individual's contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody and supervision.

(2) "Criminal justice agencies" means all Vermont courts and other governmental agencies or subunits thereof that allocate at least 50 percent of the agency's annual appropriation to criminal justice purposes.

(3) "Criminal justice purposes" means the investigation, apprehension, detention, adjudication or correction of persons suspected, charged or convicted of criminal offenses. Criminal justice purposes shall also include criminal identification activities, the collection, storage and dissemination of criminal history records and screening for criminal justice employment.

(4) "The center" means the Vermont crime information center.

(b) A criminal justice agency may request a person's criminal history record from the center for criminal justice purposes or other purposes authorized by state or federal law. Upon the request of a criminal justice agency, the center shall prepare and release a person's Vermont criminal history record, provided that the criminal justice agency has filed a user's agreement with the center. The user's agreement shall require the criminal justice agency to comply with all federal and state laws, rules, regulations and policies regulating the release of criminal history records and the protection of individual privacy. The user's agreement shall be signed and kept current by the agency.

(c) A criminal justice agency may obtain criminal history records from other states and the Federal Bureau of Investigation through the center, provided that the criminal justice agency has filed a user's agreement with the center. Release of interstate and Federal Bureau of Investigation criminal history records to criminal justice agencies is subject to the rules and regulations of the Federal Bureau of Investigation's National Crime Information Center.

(d) A criminal history record obtained from the center shall be admissible evidence in the courts of this state.

(e) No person shall confirm the existence or nonexistence of criminal history record information to any person who would not be eligible to receive the information pursuant to this subchapter.

(f) A person who violates the provisions of this section with respect to unauthorized disclosure of confidential criminal history record information obtained from the center under the authority of this section shall be fined not more than $5,000.00. Each unauthorized disclosure shall constitute a separate civil violation.

§ 2056b. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO PERSONS CONDUCTING RESEARCH

(a) The Vermont Crime Information Center may provide Vermont criminal history records as defined in section 2056a of this title to bona fide persons conducting research related to the administration of criminal justice, subject to conditions approved by the Commissioner of Public Safety to assure the confidentiality of the information and the privacy of individuals to whom the information relates. Bulk criminal history data requested by descriptors other than the name and date of birth of the subject may only be provided in a format that excludes the subject's name and any unique numbers that may reference the identity of the subject, except that court docket numbers and the State identification number may be provided. Researchers shall sign a user agreement that specifies data security requirements and restrictions on use of identifying information.

(b) No person shall confirm the existence or nonexistence of criminal history record information to any person other than the subject and properly designated employees of an organization who have a documented need to know the contents of the record.

(c) A person who violates the provisions of this section with respect to unauthorized disclosure of confidential criminal history record information obtained from the center under the authority of this section shall be fined not more than $5,000.00. Each unauthorized disclosure shall constitute a separate civil violation.

§ 2056c. DISSEMINATION OF CRIMINAL CONVICTION RECORDS TO THE PUBLIC

(a) As used in this section:

(1) "The Center" means the Vermont Crime Information Center.

(2)(A) "Criminal conviction record" means the record of convictions in a Vermont criminal division of the superior court.

(B) Release of conviction records by the center pursuant to this section or pursuant to any other provision of state law which permits release of Vermont criminal records shall include only the charge for which the subject of the record was convicted, and shall not include docket numbers.

(b) A person may obtain from the center a criminal conviction record for any purpose provided that the requestor has completed a user's agreement with the center. The user's agreement shall prohibit the alteration of criminal records and shall require the requestor to comply with all statutes, rules, and policies regulating the release of criminal conviction records and the protection of individual privacy.

(c) Criminal conviction records shall be disseminated to the public by the center under the following conditions:

(1) Public access to criminal conviction records shall be provided by a secure Internet site or other alternatives approved by the center.

(2) A requestor who wishes to receive criminal conviction records from the center shall accept the terms of a user agreement with the center. The user agreement shall specify the conditions under which record information is being released and specify guidelines for the proper interpretation and use of the information.

(3) Prior to receiving criminal conviction records using the center's Internet site, a requestor shall establish a secure, online account with the center. Issuance of the account is conditioned upon the requestor's willingness to accept the terms of a user agreement with the center which specifies the conditions under which record information is being released and specifies guidelines for the proper interpretation and use of the information.

(4) All queries shall be by name and date of birth of the subject.

(5) Only "no record" responses and record responses which constitute an exact match to the query criteria shall be returned automatically online. In the event that query criteria suggest a possible match, center staff will determine whether the query criteria match a record in the repository and shall return the result to the requestor.

(6) An electronic log shall be kept of all transactions that shall indicate the name of the requestor, the date of the request, the purpose of the request, and the result of the request. This log shall not be available to any person, other than center staff on a need-to-know basis, except pursuant to a court order.

(7) The center's Internet site shall provide an electronic mechanism for users to notify the center of possible record errors.

(8) The center's Internet site shall provide links to center training information regarding best practices for the use of record checks as part of a complete background check process.

(9) The center shall charge a fee of $30.00 for each criminal record check query pursuant to this section.

(10) No person entitled to receive a criminal conviction record pursuant to this section shall require an applicant to obtain, submit personally, or pay for a copy of his or her criminal conviction record, except that this subdivision shall not apply to a local governmental entity with respect to criminal conviction record checks for licenses or vendor permits required by the local governmental entity.

§ 2056d. CRIMINAL HISTORY RECORDS AND OTHER IDENTIFICATION RECORDS

(a) Statewide criminal history records shall be released only by the Vermont Crime Information Center.

(b) Information other than criminal history records, such as state identification numbers, shall be released only with the express approval of the commissioner of public safety or in compliance with the order of a court of competent jurisdiction.

§ 2056e. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE DEPARTMENT OF BUILDINGS AND GENERAL SERVICES

(a) The Department of Buildings and General Services shall obtain from the Vermont Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a record from the Federal Bureau of Investigation for any applicant for a State security personnel position who has given written authorization, on a release form prescribed under section 2056c of this chapter,

pursuant to the provisions of this subchapter and the user's agreement filed by the Commissioner of Buildings and General Services with the Center. The user's agreement shall require the Department to comply with all federal and State statutes, rules, regulations and policies regulating the release of criminal history records and the protection of individual privacy. The user's agreement shall be signed and kept current by the Commissioner. Release of interstate and Federal Bureau of Investigation criminal history records is subject to the rules and regulations of the Federal Bureau of Investigation's National Crime Information Center.

(b) As used in this section, "security personnel" means officers or employees of the State hired to perform security functions for the State, including protecting the public health and welfare; patrolling, securing, monitoring, and safekeeping the property, facilities, and grounds of the State; and exercising other law enforcement duties as may be authorized by State or federal law.

(c) The Commissioner of Buildings and General Services shall obtain from the Vermont Crime Information Center the record of Vermont convictions and pending criminal charges for any security personnel applicant after the applicant has received an offer of employment conditioned on the record check. Nothing herein shall automatically bar a person who has a criminal record from applying or being selected for a security position.

(d) The Commissioner of Buildings and General Services, through the Vermont Crime Information Center, shall request the record of convictions and pending criminal charges of the appropriate criminal repositories in all states in which there is reason to believe the applicant has resided or been employed.

(e) If no disqualifying record is identified at the State level, the Commissioner of Buildings and General Services, through the Vermont Crime Information Center, shall request from the Federal Bureau of Investigation (FBI) a national criminal history record check of the applicant's convictions and pending criminal charges. The request to the FBI shall be accompanied by a set of the applicant's fingerprints and a fee established by the Vermont Crime Information Center that shall be paid by the Department of Buildings and General Services.

(f) The Vermont Crime Information Center shall send to the requester any record received pursuant to this section or inform the Department of Buildings and General Services that no record exists.

(g) The Department of Buildings and General Services shall promptly provide a copy of any record of convictions and pending criminal charges to the applicant and shall inform the applicant of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Vermont Crime Information Center.

(h) Upon completion of the application process under this section, the applicant's fingerprint card and any copies thereof shall be destroyed.

(i) No person shall confirm the existence or nonexistence of criminal record information to any person who would not be eligible to receive the information pursuant to this subchapter.

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§ 2056h. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE DEPARTMENT OF FINANCIAL REGULATION

(a) The Department of Financial Regulation shall obtain from the Vermont Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a record from

the Federal Bureau of Investigation (FBI) or any applicant for a banking division examiner position who has given written authorization, on a release form prescribed under section 2056c of this chapter, pursuant to the provisions of this subchapter and the user's agreement filed by the Commissioner of Financial Regulation with the Center. The user's agreement shall require the Department to comply with all federal and State statutes, rules, regulations, and policies regulating the release of criminal history records, and the protection of individual privacy. The user's agreement shall be signed and kept current by the Commissioner. Release of interstate and F.B.I. criminal history records is subject to the rules and regulations of the F.B.I.'s National Crime Information Center.

(b) As used in this section, "banking division examiner" means employees of the State hired to perform onsite or offsite examinations of banks, credit unions, or any other entity licensed, regulated, or otherwise under the jurisdiction of the Banking Division of the Department of Financial Regulation.

(c) The Commissioner of Financial Regulation shall obtain from the Vermont Crime Information Center the record of Vermont convictions and pending criminal charges for any banking division examiner applicant after the applicant has received an offer of employment conditioned on the record check. Nothing herein shall automatically bar a person who has a criminal record from applying or being selected for a banking division examiner position.

(d) The Commissioner of Financial Regulation, through the Vermont Crime Information Center, shall request the record of convictions and pending criminal charges of the appropriate criminal repositories in all states in which there is reason to believe the applicant has resided or been employed.

(e) If no disqualifying record is identified at the State level, the Commissioner of Financial Regulation, through the Vermont Crime Information Center, shall request from the Federal Bureau of Investigation (FBI) a national criminal history record check of the applicant's convictions and pending criminal charges. The request to the FBI shall be accompanied by a set of the applicant's fingerprints and a fee established by the Vermont Crime Information Center, which shall be paid by the Department of Financial Regulation.

(f) The Vermont Crime Information Center shall send to the requester any record received pursuant to this section or inform the Department of Financial Regulation that no record exists.

(g) The Department of Financial Regulation shall promptly provide a copy of any record of convictions and pending criminal charges to the applicant and shall inform the applicant of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Vermont Crime Information Center.

(h) Upon completion of the application process under this section, the applicant's fingerprint card and any copies thereof shall be destroyed.

(i) No person shall confirm the existence or nonexistence of criminal record information to any person who would not be eligible to receive the information pursuant to this subchapter.

§ 2060. RELEASE OF RECORDS

The center is authorized to release records or information requested under 33 V.S.A. § 309[9] or 6914,[10] 26 V.S.A. § 1353,[11] 24 V.S.A. § 4010,[12] or chapter 5, subchapter 4 of Title 16.[13]

[9] 33 V.S.A. § 309 relates to "the record of convictions of any person to the extent the Commissioner [of Children and Families] has determined by rule that such information is necessary to regulate a [child care] facility or individual subject to regulation by the Department." It also provides that the "owner or operator of a facility

61. 20 V.S.A. § 2064(h): Criminal information received by authorized persons as part of a subscription service with VCIC unless statute authorizes disclosure

§ 2064. SUBSCRIPTION SERVICE

(a) As used in this section:

(1) "State Identification Number (SID)" means a unique number generated by the center to identify a person in the criminal history database.

(2) "Subscription service" means a service provided by the center whereby authorized requestors may be notified when an individual's criminal record is updated.

(b) The center shall provide the department for children and families and education officials authorized under subchapter 4 of chapter 5 of Title 16 to receive criminal records access to a criminal record subscription service. Authorized persons may subscribe to an individual's SID number, provided the individual has given written authorization on a release form provided by the center.

(c) The release form shall contain the individual's name, signature, date of birth, and place of birth. The release form shall state that the individual has the right to appeal the findings to the center, pursuant to rules adopted by the commissioner of public safety.

(d) The center shall provide authorized officials with information regarding the subscription service offered by the center prior to being authorized to participate in the subscription service. The materials shall address the following topics:

(1) Requirements of subscription, renewal, and cancellation with the service.

(2) How to interpret the criminal conviction records.

(3) How to obtain source documents summarized in the criminal conviction records.

(4) Misuse of the subscription service.

(e) Authorized officials shall certify on their subscription request that they have read and understood materials prior to receiving authorization to request a subscription from the center.

(f) During the subscription period, the center shall notify authorized officials in writing if new criminal conviction information is added to an individual's criminal history record. Notification may be sent electronically.

(g) An authorized official who receives a criminal conviction record pursuant to this section shall provide a free copy of such record to the subject of the record within ten days of receipt of the record.

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licensed or registered by the Department may ask the Commissioner for the record of convictions and the record of substantiated reports of child abuse of a current employee or a person to whom the owner or operator has given a conditional offer of employment."

[10] 33 V.S.A. § 6914 authorizes the Commissioners of DAIL and of Health, on behalf of a person or organization serving vulnerable adults, to request VCIC criminal conviction information.

[11] 26 V.S.A. § 1353 authorizes the Board of Medical Practice to obtain from VCIC a "Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation, for any applicant, licensee, or holder of certification" in connection with the Board's authority to license and certify health professionals.

[12] 24 V.S.A. § 4010 authorizes the director of any housing authority to obtain from VCIC "the record of convictions of any person applying for residence in any housing project administered by the housing authority."

[13] 16 V.S.A. ch. 5, subch. 4 requires the Secretary of Education to obtain the criminal record of a person applying for an initial license as a professional educator or for reinstatement of a license that has lapsed, as well as any person who is offered a position as superintendent of schools in Vermont.

(h) Except insofar as criminal conviction record information must be retained or made public pursuant to chapter 51 of Title 16 or the state board of education administrative rules promulgated thereunder, no person shall confirm the existence or nonexistence of criminal conviction record information or disclose the contents of a criminal conviction record without the individual's permission to any person other than the individual and properly designated employees of the authorized education official who have a documented need to know the contents of the record.

(i) Except insofar as criminal conviction record information must be retained or made public pursuant to chapter 51 of Title 16 or the state board of education administrative rules promulgated thereunder, authorized education officials shall confidentially retain all criminal conviction information received pursuant to this section for a period of three years. At the end of the retention period, the criminal conviction information must be shredded.

(j) A person who violates any subsection of this section shall be assessed a civil penalty of not more than $5,000.00. Each unauthorized disclosure shall constitute a separate civil violation. The office of the attorney general shall have authority to enforce this section.

62. 23 V.S.A. § 1607(c): Access to data collected with automated license plate recognition systems

§ 1607. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

(a) Definitions. As used in this section:

(1) "Active data" is distinct from historical data as defined in subdivision (3) of this subsection and means data uploaded to individual automated license plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.

(2) "Automated license plate recognition system" or "ALPR system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data.

(3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.

(4) "Law enforcement officer" means a State Police officer, municipal police officer, motor vehicle inspector, capitol police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Training Council as having satisfactorily completed the approved training programs required to meet the minimum training standards applicable to that person under 20 V.S.A. § 2358.

(5) "Legitimate law enforcement purpose" applies to access to active or historical data and means investigation, detection, analysis, or enforcement of a crime, traffic violation, or parking violation or operation of AMBER alerts or missing or endangered person searches.

(6) "Vermont Information and Analysis Center Analyst" means any sworn or civilian employee who through his or her employment with the Vermont Information and Analysis Center (VTIAC) has access to secure databases that support law enforcement investigations.

(b) Operation. A Vermont law enforcement officer shall be certified in ALPR operation by the Vermont Criminal Justice Training Council in order to operate an ALPR system.

(c) ALPR use and data access; confidentiality.

(1)(A) Deployment of ALPR equipment is intended to provide access to law enforcement reports of wanted or stolen vehicles and wanted persons and to further other legitimate law enforcement purposes. Use of ALPR systems and access to active data are restricted to legitimate law enforcement purposes.

(B) Active ALPR data may be accessed by a law enforcement officer operating the ALPR system only if he or she has a legitimate law enforcement purpose for the data. Entry of any data into the system other than data collected by the ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.

(C)(i) Requests to review active data shall be in writing and include the name of the requester, the law enforcement agency the requester is employed by, and the law enforcement agency's Originating Agency Identifier (ORI) number. The request shall describe the legitimate law enforcement purpose. The written request and the outcome of the request shall be transmitted to VTIAC and retained by VTIAC for not less than three years.

(ii) In each department operating an ALPR system, access to active data shall be limited to designated personnel who have been provided account access by the department to conduct authorized ALPR stored data queries. Access to active data shall be restricted to data collected within the past seven days.

(2)(A) A VTIAC analyst shall transmit historical data only to a Vermont or out-of-state law enforcement officer who has a legitimate law enforcement purpose for the data. A law enforcement officer to whom historical data are transmitted may use such data only for a legitimate law enforcement purpose. Entry of any data onto the statewide ALPR server other than data collected by an ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.

(B) Requests for historical data, whether from Vermont or out-of-state law enforcement officers, shall be made in writing to an analyst at VTIAC. The request shall include the name of the requester, the law enforcement agency the requester is employed by, and the law enforcement agency's ORI number. The request shall describe the legitimate law enforcement purpose. VTIAC shall retain all requests and shall record in writing the outcome of the request and any information that was provided to the requester or, if applicable, why a request was denied or not fulfilled. VTIAC shall retain the information described in this subdivision (c)(2)(B) for no fewer than three years.

(d) Retention.

(1) Any ALPR information gathered by a Vermont law enforcement agency shall be sent to the Department of Public Safety to be retained pursuant to the requirements of subdivision (2) of this subsection. The Department of Public Safety shall maintain the ALPR storage system for Vermont law enforcement agencies.

(2) Except as provided in section 1608 of this title, information gathered through use of an ALPR system shall only be retained for 18 months after the date it was obtained. When the permitted 18-month period for retention of the information has expired, the Department of Public Safety and any local law enforcement agency with custody of the information shall destroy it and cause to have destroyed any copies or backups made of the original data. Data may be retained beyond the 18-month period pursuant to a preservation request made or disclosure order issued under Section 1608 of this title or pursuant to a warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal Procedure.

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63. 33 V.S.A. § 5117(a), (c), (e): Court and law enforcement reports and files concerning a person subject to juvenile judicial proceedings, unless the statute allows disclosure; files of juvenile proceedings released in divorce proceedings; prohibition on redissemination by receiving persons unless authorized by law

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

(a) Except as otherwise provided, court and law enforcement reports and files concerning a person subject to the jurisdiction of the Court shall be maintained separate from the records and files of other persons. Unless a charge of delinquency is transferred for criminal prosecution under chapter 52 of this title or the Court otherwise orders in the interests of the child, such records and files shall not be open to public inspection nor their contents disclosed to the public by any person. However, upon a finding that a child is a delinquent child by reason of commission of a delinquent act which would have been a felony if committed by an adult, the Court, upon request of the victim, shall make the child's name available to the victim of the delinquent act. If the victim is incompetent or deceased, the child's name shall be released, upon request, to the victim's guardian or next of kin.

(b)(1) Notwithstanding the foregoing, inspection of such records and files by the following is not prohibited:

(A) A court having the child before it in any juvenile judicial proceeding.

(B) The officers of public institutions or agencies to whom the child is committed as a delinquent child.

(C) A court in which a person is convicted of a criminal offense for the purpose of imposing sentence upon or supervising the person, or by officials of penal institutions and other penal facilities to which the person is committed, or by a parole board in considering the person's parole or discharge or in exercising supervision over the person.

(D) Court personnel, the state's attorney or other prosecutor authorized to prosecute criminal or juvenile cases under State law, the child's guardian ad litem, the attorneys for the parties, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the child.

(E) The child who is the subject of the proceeding, the child's parents, guardian, custodian, and guardian ad litem may inspect such records and files upon approval of the family court judge.

(F) Any other person who has a need to know may be designated by order of the Family Division of the Superior Court.

(G) The Commissioner of Corrections if the information would be helpful in preparing a presentence report, in determining placement, or in developing a treatment plan for a person convicted of a sex offense that requires registration pursuant to 13 V.S.A. chapter 167, subchapter 3.

(2) Files inspected under this subsection shall be marked: UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A CRIME PUNISHABLE BY A FINE UP TO $2,000.00.

(c) Upon motion of a party in a divorce or parentage proceeding related to parental rights and responsibilities for a child or parent-child contact, the Court may order that Court records in a juvenile proceeding involving the same child or children be released to the parties in the divorce proceeding. Files inspected under this subsection shall be marked: UNLAWFUL

DISSEMINATION OF THIS INFORMATION IS A CRIME PUNISHABLE BY A FINE OF UP TO $2,000.00. The public shall not have access to records from a juvenile proceeding that are filed with the Court or admitted into evidence in the divorce or parentage proceeding.

(d) Such records and files shall be available to state's attorneys and all other law enforcement officers in connection with record checks and other legal purposes.

(e) Any records or reports relating to a matter within the jurisdiction of the Court prepared by or released by the Court or the Department for Children and Families, any portion of those records or reports, and information relating to the contents of those records or reports shall not be disseminated by the receiving persons or agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section.

(f) This section does not provide access to records sealed in accordance with section 5119 of this title unless otherwise provided in section 5119.

64. 33 V.S.A. § 5118(e): Written notice that a child has conducted a "delinquent act requiring notice" that is provided by a court to superintendent or head of school in which the child is a student

§ 5118. LIMITED EXCEPTION TO CONFIDENTIALITY OF RECORDS OF JUVENILES MAINTAINED BY THE FAMILY DIVISION OF THE SUPERIOR COURT

(a) As used in this section:

(1) "Delinquent act requiring notice" means conduct resulting in a delinquency adjudication related to a listed crime as defined in 13 V.S.A. § 5301(7).

(2) "Independent school" means an approved or recognized independent school under 16 V.S.A. § 166.

(b) While records of juveniles maintained by the Family Division of the Superior Court should be kept confidential, it is the policy of the General Assembly to establish a limited exception for the overriding public purposes of rehabilitating juveniles and protecting students and staff within Vermont's public and independent schools.

(c) Notwithstanding any law to the contrary, a Court finding that a child has committed a delinquent act requiring notice shall, within seven days of such finding, provide written notice to the superintendent of schools for the public school in which the child is enrolled or, in the event the child is enrolled in an independent school, the school's headmaster.

(d) The written notice shall contain only a description of the delinquent act found by the Court to have been committed by the child and shall be marked: "UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A CRIME PUNISHABLE BY A FINE UP TO $2,000.00." The envelope in which the notice is sent by the Court shall be marked: "CONFIDENTIAL: TO BE OPENED BY THE SUPERINTENDENT OR HEADMASTER ONLY."

(e) The superintendent or headmaster, upon receipt of the notice, shall inform only those persons within the child's school with a legitimate need to know of the delinquent act, and only after first evaluating rehabilitation and protection measures that do not involve informing staff or students. Persons with a legitimate need to know are strictly limited to only those for whom the information is necessary for the rehabilitation program of the child or for the protection of staff or students. "Need to know" shall be narrowly and strictly interpreted. Persons receiving information from the superintendent or headmaster shall not, under any circumstances, discuss such information with any other person except the child, the child's parent, guardian, or custodian, others who have been similarly informed by the superintendent or headmaster, law enforcement personnel, or the juvenile's probation officer.

(f) The superintendent and headmaster annually shall provide training to school staff about the need for confidentiality of such information and the penalties for violation of this section.

(g) The written notice shall be maintained by the superintendent or headmaster in a file separate from the child's education record. If the child transfers to another public or independent school, the superintendent or headmaster shall forward the written notice in the original marked envelope to the superintendent or headmaster for the school to which the child transferred. If the child either graduates or turns 18 years of age, the superintendent or headmaster then possessing the written notice shall destroy such notice.

(h) If legal custody of the child is transferred to the Commissioner, or if the Commissioner is supervising the child's probation, upon the request by a superintendent or headmaster, the Commissioner shall provide to the superintendent or headmaster information concerning the

child which the Commissioner determines is necessary for the child's rehabilitation or for the protection of the staff or students in the school in which the child is enrolled.

(i) A person who intentionally violates the confidentiality provisions of this section shall be fined not more than $2,000.00.

(j) Except as provided in subsection (i) of this section, no liability shall attach to any person who transmits, or fails to transmit, the written notice required under this section.

65. 33 V.S.A. § 5119: Sealing of juvenile delinquency and care or supervision records, unless statute authorizes disclosure; special index of files or records that have been sealed, unless statute authorizes disclosure; motion by law enforcement or DCF to unseal juvenile judicial records; and victim's information retained by state's attorney unless disclosure authorized by statute

§ 5119. SEALING OF RECORDS

(a)(1) In matters relating to a child who has been adjudicated delinquent on or after July 1, 1996, the Court shall order the sealing of all files and records related to the proceeding if two years have elapsed since the final discharge of the person unless, on motion of the state's attorney, the Court finds:

(A) the person has been convicted of a listed crime as defined in 13 V.S.A. § 5301 or adjudicated delinquent of such an offense after such initial adjudication, or a proceeding is pending seeking such conviction or adjudication; or

(B) rehabilitation of the person has not been attained to the satisfaction of the Court.

(2) At least 60 days prior to the date upon which a person is eligible to have his or her delinquency record automatically sealed pursuant to subdivision (1) of this subsection, the Court shall provide such person's name and other identifying information to the state's attorney in the county in which the person was adjudicated delinquent. The state's attorney may object, and a hearing may be held to address the state's attorney's objection.

(3) The order to seal shall include all the files and records relating to the matter in accordance with subsection (d) of this section; however, the Court may limit the order to the court files and records only upon good cause shown by the state's attorney.

(4) The process of sealing files and records under this subsection for a child who was adjudicated delinquent on or after July 1, 1996, but before July 1, 2001 shall be completed by January 1, 2010. The process of sealing files and records under this subsection for a child who was adjudicated delinquent on or after July 1, 2001 but before July 1, 2004 shall be completed by January 1, 2008.

(b) In matters relating to a child who has been adjudicated delinquent prior to July 1, 1996, on application of the child or on the Court's own motion and after notice to all parties of record and hearing, the Court shall order the sealing of all files and records related to the proceeding if it finds:

(1) the person has not been convicted of a listed crime as defined in 13 V.S.A. § 5301 or adjudicated delinquent for such an offense after such initial adjudication, and no new proceeding is pending seeking such conviction or adjudication; and

(2) the person's rehabilitation has been attained to the satisfaction of the Court.

(c) On application of a person who, while a child, was found to be in need of care or supervision or, on the Court's own motion, after notice to all parties of record and hearing, the Court may order the sealing of all files and records related to the proceeding if it finds:

(1) the person has reached the age of majority; and

(2) sealing the person's record is in the interest of justice.

(d) Except as provided in subdivision (a)(3) and subsection (h) of this section or otherwise provided, orders issued in accordance with this section shall include the files and records of the Court, law enforcement, prosecution, and the Department for Children and Families related to the specific court proceeding that is the subject of the sealing.

(e)(1) Except as provided in subdivision (2) of this subsection, upon the entry of an order sealing such files and records under this section, the proceedings in the matter under this act shall be considered never to have occurred, all general index references thereto shall be deleted, and the person, the Court, and law enforcement officers and departments shall reply to any request for information that no record exists with respect to such person upon inquiry in any matter. Copies of the order shall be sent to each agency or official named in the order.

(2)(A) Any court, agency, or department that seals a record pursuant to an order under this section may keep a special index of files and records that have been sealed. This index shall only list the name and date of birth of the subject of the sealed files and records and the docket number of the proceeding which was the subject of the sealing. The special index shall be confidential and may be accessed only for purposes for which a department or agency may request to unseal a file or record pursuant to subsection (f) of this section.

(B) Access to the special index shall be restricted to the following persons:

(i) the Commissioner and general counsel of any administrative department;

(ii) the Secretary and general counsel of any administrative agency;

(iii) a sheriff;

(iv) a police chief;

(v) a state's attorney;

(vi) the Attorney General;

(vii) the director of the Vermont Crime Information Center; and

(viii) a designated clerical staff person in each office identified in subdivisions (i)-(vii) of this subdivision (B) who is necessary for establishing and maintaining the indices for persons who are permitted access.

(C) Persons authorized to access an index pursuant to subdivision (B) of this subdivision (2) may access only the index of their own department or agency.

(f)(1) Except as provided in subdivisions (2), (3), (4), and (5) of this subsection, inspection of the files and records included in the order may thereafter be permitted by the Court only upon petition by the person who is the subject of such records, and only to those persons named in the record.

(2) Upon a confidential motion of any department or agency that was required to seal files and records pursuant to subsection (d) of this section, the Court may permit the department or agency to inspect its own files and records if it finds circumstances in which the department or agency requires access to such files and records to respond to a legal action, a legal claim, or an administrative action filed against the department or agency in relation to incidents or persons that are the subject of such files and records. The files and records shall be unsealed only for the minimum time necessary to address the circumstances enumerated in this subdivision, at which time the records and files shall be resealed.

(3) Upon a confidential motion of the Department for Children and Families, the Court may permit the Department to inspect its own files and records if the Court finds extraordinary circumstances in which the State's interest in the protection of a child clearly outweighs the purposes of the juvenile sealing law and the privacy rights of the person or persons who are the subjects of the record, and the sealed record is necessary to accomplish the State's interest. The motion may be heard ex parte if the Court, based upon an affidavit, finds a compelling purpose exists to deny notice to the subject of the files and records when considering whether to grant the order. If the order to unseal is issued ex parte, the Court shall send notice of the unsealing to the subject of the files and records within 20 days unless the Department provides a compelling

reason why the subject of the files and records should not receive notice. The files and records shall be unsealed only for the minimum time necessary to address the extraordinary circumstances, at which time the files and records shall be resealed.

(4) Upon a confidential motion of a law enforcement officer or prosecuting attorney, the Court may permit the department or agency to inspect its own files and records if the Court finds extraordinary circumstances in which the state's interest in public safety clearly outweighs the purposes of the juvenile sealing law and the privacy rights of the person or persons who are the subjects of the record, and the sealed record is necessary to accomplish the State's interest. The motion may be heard ex parte if the Court, based upon an affidavit, finds a compelling public safety purpose exists to deny notice to the subject of the files and records when considering whether to grant the order. If the order to unseal is issued ex parte, the Court shall send notice of the unsealing to the subject of the files and records within 20 days unless the law enforcement officer or prosecuting attorney provides a compelling public safety reason why the subject of the files and records should not receive notice. The files and records shall be unsealed only for the minimum time necessary to address the extraordinary circumstances, at which time the files and records shall be resealed.

(5) The order unsealing a record pursuant to subdivisions (2), (3), and (4) of this subsection must state whether the record is unsealed entirely or in part and the duration of the unsealing. If the Court's order unseals only part of the record or unseals the record only as to certain persons, the order must specify the particular records that are unsealed or the particular persons who may have access to the record, or both.

(6) If a person is convicted of a sex offense that requires registration pursuant to 13 V.S.A. chapter 167, subchapter 3, the Court in which the person was convicted:

(A) may inspect its own files and records included in the sealing order for the purpose of imposing sentence upon or supervising the person for the registrable offense; and

(B) shall examine Court indices developed pursuant to subdivision (e)(2)(A) of this section. If the offender appears on any of the Court indices, the Court shall unseal any Court files and records relating to the juvenile adjudication and shall make them available to the Commissioner of Corrections for the purposes of preparing a presentence investigation, determining placement, or developing a treatment plan. The Commissioner shall use only information relating to adjudications relevant to a sex offense conviction.

(g) On application of a person who has pleaded guilty to or has been convicted of the commission of a crime under the laws of this State which the person committed prior to attaining the age of 21, or on the motion of the Court having jurisdiction over such a person, after notice to all parties of record and hearing, the Court shall order the sealing of all files and records related to the proceeding if it finds:

(1) two years have elapsed since the final discharge of the person;

(2) the person has not been convicted of a listed crime as defined in 13 V.S.A. § 5301 or adjudicated delinquent for such an offense after the initial conviction, and no new proceeding is pending seeking such conviction or adjudication; and

(3) the person's rehabilitation has been attained to the satisfaction of the Court.

(h)(1) In matters relating to a person who was charged with a criminal offense on or after July 1, 2006 and prior to the person attaining the age of majority, the files and records of the Court applicable to the proceeding shall be sealed immediately if the case is dismissed.

(2) In matters relating to a person who was charged with a criminal offense prior to July 1, 2006 and prior to the person attaining the age of majority, the person may apply to seal the files

and records of the Court applicable to the proceeding. The Court shall order the sealing, provided that two years have elapsed since the dismissal of the charge.

(i) Upon receipt of a Court order to seal a record relating to an offense for which there is an identifiable victim, a state's attorney shall record the name and date of birth of the victim, the offense, and the date of the offense. The name and any identifying information regarding the defendant shall not be recorded. Victim information retained by a state's attorney pursuant to this subsection shall be available only to victims' advocates, the Victims' Compensation Program, and the victim and shall otherwise be confidential.

(j) For purposes of this section, to "seal" a file or record means to physically and electronically segregate the record in a manner that ensures confidentiality of the record and limits access only to those persons who are authorized by law or court order to view the record. A "sealed" file or record is retained and shall not be destroyed unless a Court issues an order to expunge the record.

(k) The Court shall provide assistance to persons who seek to file an application for sealing under this section.

(l) Any entities subject to sealing orders pursuant to this section shall establish policies for implementing this section and shall provide a copy of such policies to the House and Senate Committees on Judiciary no later than January 15, 2007. State's attorneys, sheriffs, municipal police, and the Judiciary are encouraged to adopt a consistent policy that may apply to each of their independent offices and may submit one policy to the General Assembly.

66. 33 V.S.A. § 5201: All files related to withdrawn delinquency petition shall be sealed

§ 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

(a) Proceedings under this chapter shall be commenced by:

(1) transfer to the Court of a proceeding from another court as provided in section 5203 of this title; or

(2) the filing of a delinquency petition by a state's attorney.

(b) If the proceeding is commenced by transfer from another court, no petition need be filed; however, the state's attorney shall provide to the Court the name and address of the child's custodial parent, guardian, or custodian and the name and address of any noncustodial parent if known.

(c) Consistent with applicable provisions of Title 4, any proceeding concerning a child who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining the age of 14, but not the age of 18, shall originate in the Criminal Division of the Superior Court, provided that jurisdiction may be transferred in accordance with this chapter.

(d) If the State requests that custody of the child be transferred to the Department, a temporary care hearing shall be held as provided in subchapter 3 of this chapter.

(e) A petition may be withdrawn by the state's attorney at any time prior to the hearing thereon, in which event the child shall be returned to the custodial parent, guardian, or custodian, the proceedings under this chapter terminated, and all files and documents relating thereto sealed under section 5119 of this title.

67. 33 V.S.A. § 5204(h) and (i): Court records and files of a person under the age of 16 who is tried as an adult but acquitted; records of hearing regarding transfer of a person from Family Division unless disclosure authorized by statute

§ 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR COURT

(a) After a petition has been filed alleging delinquency, upon motion of the state's attorney and after hearing, the Family Division of the Superior Court may transfer jurisdiction of the proceeding to the Criminal Division of the Superior Court, if the child had attained the age of 16 but not the age of 18 at the time the act was alleged to have occurred and the delinquent act set forth in the petition was not one of those specified in subdivisions (1)-(12) of this subsection or if the child had attained the age of 10 but not the age of 14 at the time the act was alleged to have occurred, and if the delinquent act set forth in the petition was any of the following:

(1) arson causing death as defined in 13 V.S.A. § 501;
(2) assault and robbery with a dangerous weapon as defined in 13 V.S.A. § 608(b);
(3) assault and robbery causing bodily injury as defined in 13 V.S.A. 608(c);
(4) aggravated assault as defined in 13 V.S.A. § 1024;
(5) murder as defined in 13 V.S.A. § 2301;
(6) manslaughter as defined in 13 V.S.A. § 2304;
(7) kidnapping as defined in 13 V.S.A. § 2405;
(8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
(9) maiming as defined in 13 V.S.A. § 2701;
(10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);
(11) aggravated sexual assault as defined in 13 V.S.A. § 3253; or
(12) burglary into an occupied dwelling as defined in 13 V.S.A. § 1201(c).

(b) The state's attorney of the county where the juvenile petition is pending may move in the Family Division of the Superior Court for an order transferring jurisdiction under subsection (a) of this section at any time prior to adjudication on the merits. The filing of the motion to transfer jurisdiction shall automatically stay the time for the hearing provided for in section 5225 of this title, which stay shall remain in effect until such time as the Family Division of the Superior Court may deny the motion to transfer jurisdiction.

(c) Upon the filing of a motion to transfer jurisdiction under subsection (b) of this section, the Family Division of the Superior Court shall conduct a hearing in accordance with procedures specified in subchapter 2 of this chapter to determine whether:

(1) there is probable cause to believe that the child committed an act listed in subsection (a) of this section; and

(2) public safety and the interests of the community would not be served by treatment of the child under the provisions of law relating to the Family Division of the Superior Court and delinquent children.

(d) In making its determination as required under subsection (c) of this section, the Court may consider, among other matters:

(1) The maturity of the child as determined by consideration of his or her age, home, environment; emotional, psychological and physical maturity; and relationship with and adjustment to school and the community.

(2) The extent and nature of the child's prior record of delinquency.

(3) The nature of past treatment efforts and the nature of the child's response to them.

(4) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

(5) The nature of any personal injuries resulting from or intended to be caused by the alleged act.

(6) The prospects for rehabilitation of the child by use of procedures, services, and facilities available through juvenile proceedings.

(7) Whether the protection of the community would be better served by transferring jurisdiction from the Family Division to the Criminal Division of the Superior Court.

(e) A transfer under this section shall terminate the jurisdiction of the Family Division of the Superior Court over the child only with respect to those delinquent acts alleged in the petition with respect to which transfer was sought.

(f)(1) The Family Division, following completion of the transfer hearing, shall make findings and, if the Court orders transfer of jurisdiction from the Family Division, shall state the reasons for that order. If the Family Division orders transfer of jurisdiction, the child shall be treated as an adult. The state's attorney shall commence criminal proceedings as in cases commenced against adults.

(2) Notwithstanding subdivision (1) of this subsection, the parties may stipulate to a transfer of jurisdiction from the Family Division at any time after a motion to transfer is made pursuant to subsection (b) of this section. The Court shall not be required to make findings if the parties stipulate to a transfer pursuant to this subdivision. Upon acceptance of the stipulation to transfer jurisdiction, the Court shall transfer the proceedings to the Criminal Division and the child shall be treated as an adult. The state's attorney shall commence criminal proceedings as in cases commenced against adults.

(g) The order granting or denying transfer of jurisdiction shall not constitute a final judgment or order within the meaning of Rules 3 and 4 of the Vermont Rules of Appellate Procedure.

(h) If a person who has not attained the age of 16 at the time of the alleged offense has been prosecuted as an adult and is not convicted of one of the acts listed in subsection (a) of this section but is convicted only of one or more lesser offenses, jurisdiction shall be transferred to the Family Division of the Superior Court for disposition. A conviction under this subsection shall be considered an adjudication of delinquency and not a conviction of crime, and the entire matter shall be treated as if it had remained in the Family Division throughout. In case of an acquittal for a matter specified in this subsection and in case of a transfer to the Family Division under this subsection, the Court shall order the sealing of all applicable files and records of the Court, and such order shall be carried out as provided in subsection 5119(e) of this title.

(i) The record of a hearing conducted under subsection (c) of this section and any related files shall be open to inspection only by persons specified in subsections 5117(b) and (c) of this title in accordance with section 5119 of this title and by the attorney for the child.

68. 33 V.S.A. § 5205: Fingerprint files of children under the jurisdiction of the Family Division

§ 5205. FINGERPRINTS; PHOTOGRAPHS

(a) Fingerprint files of a child under the jurisdiction of the Court shall be kept separate from those of other persons under special security measures limited to inspection by law enforcement officers only on a need-to-know basis unless otherwise authorized by the Court in individual cases.

(b) Copies of fingerprints shall be maintained on a local basis only and not sent to central state or federal depositories except in national security cases.

(c) Fingerprints of persons under the jurisdiction of the Court shall be removed and destroyed when:

(1) the petition alleging delinquency with respect to which such fingerprints were taken does not result in an adjudication of delinquency; or

(2) jurisdiction of the Court is terminated, provided that there has been no record of a criminal offense by the child after reaching 16 years of age.

(d) If latent prints are found at the scene of an offense and there is reason to believe that a particular child was involved, the child may be fingerprinted for purposes of immediate comparison, and, if the result is negative, the fingerprint card shall be immediately destroyed.

(e) No photograph shall be taken of any child when taken into custody without the consent of the judge unless the case is transferred for criminal proceeding.

(f) A person who violates this section shall be imprisoned not more than six months or fined not more than $500.00, or both.

69. 33 V.S.A. § 5234: Notice to victim in delinquency proceeding prior to juvenile release; name of facility from which juvenile shall be discharged shall not be released

§ 5234. RIGHTS OF VICTIMS IN DELINQUENCY PROCEEDINGS INVOLVING A LISTED CRIME

The victim in a delinquency proceeding involving a listed crime shall have the following rights:

(1) To be notified by the prosecutor's office in a timely manner when a predispositional or dispositional court proceeding is scheduled to take place and when a court proceeding of which he or she has been notified will not take place as scheduled.

(2) To be notified by the prosecutor's office as to whether delinquency has been found and disposition has occurred, including any conditions or restitution relevant to the victim.

(3) To present a victim's impact statement at the disposition hearing in accordance with subsection 5233(b) of this title and to be notified as to the disposition pursuant to subsection 5233(d) of this title.

(4) Upon request, to be notified by the agency having custody of the delinquent child before he or she is discharged from a secure or staff-secured residential facility. The name of the facility shall not be disclosed. An agency's inability to give notification shall not preclude the release. However, in such an event, the agency shall take reasonable steps to give notification of the release as soon thereafter as practicable. Notification efforts shall be deemed reasonable if the agency attempts to contact the victim at the address or telephone number provided to the agency in the request for notification.

(5) To obtain the name of the child in accordance with sections 5226 and 5233 of this title.

(6) To be notified by the Court of the victim's rights under this section.

70. 33 V.S.A. § 5287: All court records of a youthful offender shall be expunged or sealed when the youth successfully completes probation and offender status is terminated

§ 5287. TERMINATION OR CONTINUANCE OF PROBATION

(a) A motion may be filed at any time in the Family Division requesting that the Court terminate the youth's status as a youthful offender and discharge him or her from probation. The motion may be filed by the state's attorney, the youth, the Department, or the Court on its own motion. The Court shall set the motion for hearing and provide notice and an opportunity to be heard at the hearing to the state's attorney, the youth, and the Department.

(b) In determining whether a youth has successfully completed the terms of probation, the Court shall consider:

(1) the degree to which the youth fulfilled the terms of the case plan and the probation order;

(2) the youth's performance during treatment;

(3) reports of treatment personnel; and

(4) any other relevant facts associated with the youth's behavior.

(c) If the Court finds that the youth has successfully completed the terms of the probation order, it shall terminate youthful offender status, discharge the youth from probation, and file a written order dismissing the Family Division case. The Family Division shall provide notice of the dismissal to the criminal division, which shall dismiss the criminal case.

(d) Upon discharge and dismissal under subsection (c) of this section, all records relating to the case in the District Court shall be expunged, and all records relating to the case in the Family Court shall be sealed pursuant to section 5119 of this title.

(e) If the Court denies the motion to discharge the youth from probation, the Court may extend or amend the probation order as it deems necessary.

71. 33 V.S.A. § 5309: All files related to a withdrawn petition that a child is in need of care or supervision shall be sealed

§ 5309. FILING OF A PETITION

(a) The state's attorney having jurisdiction shall prepare and file a petition alleging that a child is in need of care or supervision upon the request of the Commissioner or, in the event the child is truant from school, upon the request of the superintendent of the school district in which the child is enrolled or resides. If the state's attorney fails to file a petition within a reasonable amount of time, the Department or the superintendent of the school district may request that the Attorney General file a petition on behalf of the Department.

(b) If the Court has issued an emergency care order placing the child who is the subject of the petition in the temporary legal custody of the Department or has issued a conditional custody order, the state's attorney shall file the petition on or before the date of the temporary care hearing.

(c) A petition may be withdrawn by the state's attorney at any time prior to the hearing thereon, in which event the child shall be returned to the custodial parent, guardian, or custodian, the proceedings under this chapter terminated, and all files and documents relating thereto sealed under section 5119 of this title.

(d) Upon the request of the Secretary of Human Services, the state's attorney may file a petition pursuant to subsection (a) of this section alleging that a 16- to 17.5-year-old youth who is not in the custody of the State is a child in need of care or supervision under subdivision 5102(2)(B)(ii) of this title when the child meets the criteria set forth in subdivision 5102(2)(B)(ii) of this title. The petition shall be accompanied by a report from the Department which sets forth facts supporting the specific criteria of subdivision 5102(2)(B)(ii) of this title and that it is in the best interests of the child to be considered as a child in need of care or supervision.

IV. Public Health

72. 18 V.S.A. § 154: All information reported to the State Cancer Registry and all identifying information

§ 154. CONFIDENTIALITY

(a) All information reported pursuant to this chapter[14] shall be confidential and privileged. The commissioner shall take strict measures to ensure that all identifying information is kept confidential.

(b) All identifying information regarding an individual patient, health care provider, or health care facility contained in records of interviews, written reports, and statements procured by the commissioner or by any other person, agency, or organization acting jointly with the commissioner in connection with cancer morbidity and mortality studies shall be confidential and privileged and shall be used solely for the purposes of the study. Nothing in this section shall prevent the commissioner from publishing statistical compilations relating to morbidity and mortality studies which do not identify individual cases or sources of information.

[14] The information required to be reported is specified in 18 V.S.A. § 153:

"(a) Any health care facility diagnosing or providing treatment to cancer patients shall report each case of cancer to the commissioner or his or her authorized representative in a format prescribed by the commissioner within 120 days of admission or diagnosis. If the facility fails to report in a format prescribed by the commissioner, the commissioner's authorized representative may enter the facility, obtain the information, and report it in the appropriate format. In these cases, the facility shall reimburse the commissioner or the authorized representative for the cost of obtaining and reporting the information.

(b) Any health care provider diagnosing or providing treatment to cancer patients shall report each cancer case to the commissioner or his or her authorized representative within 120 days of diagnosis. Those cases diagnosed or treated at a Vermont facility or previously admitted to a Vermont facility for diagnosis or treatment of that instance of cancer are exceptions and do not need to be reported by the health care provider.

(c) All health care facilities and health care providers who provide diagnostic or treatment services to patients with cancer shall report to the commissioner any further demographic, diagnostic, or treatment information requested by the commissioner concerning any person now or formerly receiving services, diagnosed as having or having had a malignant tumor. Additionally, the commissioner or his or her authorized representative shall have physical access to all records which would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified cancer patient. Willful failure to grant access to such records shall be punishable by a fine of up to $500.00 for each day access is refused. Any fines collected pursuant to this subsection shall be deposited in the general fund."

73. 18 V.S.A. § 157: Data and identifying information received by the Vermont Mammography Registry is confidential and privileged

§ 157. VERMONT MAMMOGRAPHY REGISTRY

The confidentiality, disclosure, and liability provisions of sections 154, 155, and 156 of this title shall likewise apply to all mammography and pathology data relating to breast cancer and any associated identifying information acquired by the Vermont mammography registry (VMR). In the case of VMR, the rights and obligations of the health commissioner shall be assumed by the appropriate VMR governing body or official.

74. 18 V.S.A. § 1001: All communicable disease reports and information collected in support of investigations and studies to determine the nature or cause of any disease outbreak; records relating to HIV or AIDS that may identify a person

§ 1001. REPORTS TO COMMISSIONER OF HEALTH

(a) When a physician, health care provider, nurse practitioner, nurse, physician assistant, or school health official has reason to believe that a person is sick or has died of a diagnosed or suspected disease, identified by the Department of Health as a reportable disease and dangerous to the public health, or if a laboratory director has evidence of such sickness or disease, he or she shall transmit within 24 hours a report thereof and identify the name and address of the patient and the name of the patient's physician to the Commissioner of Health or designee. In the case of the human immunodeficiency virus (HIV), "reason to believe" shall mean personal knowledge of a positive HIV test result. The Commissioner, with the approval of the secretary of human services, shall by rule establish a list of those diseases dangerous to the public health that shall be reportable. Nonmedical community-based organizations shall be exempt from this reporting requirement. All information collected pursuant to this section and in support of investigations and studies undertaken by the commissioner for the purpose of determining the nature or cause of any disease outbreak shall be privileged and confidential. The Health Department shall, by rule, require that any person required to report under this section has in place a procedure that ensures confidentiality. In addition, in relation to the reporting of HIV and the acquired immune deficiency syndrome (AIDS), the Health Department shall, by rule:

(1) develop procedures, in collaboration with individuals living with HIV or AIDS and with representatives of the Vermont AIDS service organizations, to ensure confidentiality of all information collected pursuant to this section; and

(2) develop procedures for backing up encrypted, individually identifying information, including procedures for storage, location, and transfer of data.

(b)(1) Public health records that relate to HIV or AIDS that contain any personally identifying information, or any information that may indirectly identify a person and was developed or acquired by state or local public health agencies, shall be confidential and shall only be disclosed following notice to the individual subject of the public health record or the individual's legal representative and pursuant to a written authorization voluntarily executed by the individual or the individual's legal representative. Except as provided in subdivision (2) of this subsection, notice and authorization is required prior to all disclosures, including disclosures to other states, the federal government, and other programs, departments, or agencies of state government.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, disclosure without notification shall be permitted to other states' infectious disease surveillance programs for the sole purpose of comparing the details of case reports identified as possibly duplicative, provided such information shall be shared using the least identifying information first so that the individual's name shall be used only as a last resort.

(c) A disclosure made pursuant to subsection (b) of this section shall include only the information necessary for the purpose for which the disclosure is made. The disclosure shall be made only on agreement that the information shall remain confidential and shall not be further disclosed without additional notice to the individual and written authorization by the individual subject as required by subsection (b) of this section.

(d) A confidential public health record, including any information obtained pursuant to this section, shall not be:

(1) Disclosed or discoverable in any civil, criminal, administrative, or other proceeding.

(2) Used to determine issues relating to employment or insurance for any individual.

(3) Used for any purpose other than public health surveillance, and epidemiological follow-up.

(e) Any person who:

(1) willfully or maliciously discloses the content of any confidential public health record without written authorization or other than as authorized by law or in violation of subsection (b), (c), or (d) of this section shall be subject to a civil penalty of not less than $10,000.00 and not more than $25,000.00, costs and attorney's fees as determined by the court, compensatory and punitive damages, or equitable relief, including restraint of prohibited acts, costs, reasonable attorney's fees, and other appropriate relief.

(2) negligently discloses the content of any confidential public health record without written authorization or other than as authorized by law or in violation of subsection (b), (c), or (d) of this section shall be subject to a civil penalty in an amount not to exceed $2,500.00 plus court costs, as determined by the court, which penalty and costs shall be paid to the subject of the confidential information.

(3) willfully, maliciously, or negligently discloses the results of an HIV test to a third party in a manner that identifies or provides identifying characteristics of the person to whom the test results apply without written authorization or other than as authorized by law or in violation of subsection (b), (c), or (d) of this section and that results in economic, bodily, or psychological harm to the subject of the test is guilty of a misdemeanor, punishable by imprisonment for a period not to exceed one year or a fine not to exceed $25,000.00, or both.

(4) commits any act described in subdivision (1), (2), or (3) of this subsection shall be liable to the subject for all actual damages, including damages for any economic, bodily, or psychological harm that is a proximate result of the act. Each disclosure made in violation of this chapter is a separate and actionable offense. Nothing in this section shall limit or expand the right of an injured subject to recover damages under any other applicable law.

(f) Except as provided in subdivision (a)(2) of this section, the Health Department is prohibited from collecting, processing, or storing any individually identifying information concerning HIV/AIDS on any networked computer or server, or any laptop computer or other portable electronic device. On rare occasion, not as common practice, the Department may accept HIV/AIDS individually identifying information electronically. Once that information is collected, the Department shall, in a timely manner, transfer the information in compliance with this subsection.

(g) Health care providers must, prior to performing an HIV test, inform the individual to be tested that a positive result will require reporting of the result and the individual's name to the Department, and that there are testing sites that provide anonymous testing that are not required to report positive results. The Department shall develop and make widely available a model notification form.

(h) Nothing in this section shall affect the ongoing availability of anonymous testing for HIV. Anonymous HIV testing results shall not be required to be reported under this section.

(i) No later than November 1, 2007, the Health Department shall conduct an information and security audit in relation to the information collected pursuant to this section, including evaluation of the systems and procedures it developed to implement this section and an

examination of the adequacy of penalties for disclosure by state personnel. No later than January 15, 2008, the Department shall report to the Senate Committee on Health and Welfare and the House Committee on Human Services concerning options available, and the costs those options would be expected to entail, for maximizing protection of the information collected pursuant to this section. That report shall also include the Department's recommendations on whether the General Assembly should impose or enhance criminal penalties on health care providers for unauthorized disclosures of medical information. The Department shall solicit input from AIDS service organizations and the community advisory group regarding the success of the Department's security measures and their examination of the adequacy of penalties as they apply to HIV/AIDS and include this input in the report to the Legislature.

(j) No later than January 1, 2008, the Department shall plan and commence a public campaign designed to educate the general public about the value of obtaining an HIV test.

(k) The Commissioner shall maintain a separate database of reports received pursuant to subsection 1141(i) of this title for the purpose of tracking the number of tests performed pursuant to subchapter 5 of chapter 21 of this title and such other information as the Department of Health determines to be necessary and appropriate. The database shall not include any information that personally identifies a patient.

75. 18 V.S.A. § 1129: Immunization Registry Information, except it may be shared in summary, statistical, or other form in which particular individuals are not identified

§ 1129. IMMUNIZATION REGISTRY

(a) A health care provider shall report to the department all data regarding immunizations of adults and of children under the age of 18 within seven days of the immunization, provided that required reporting of immunizations of adults shall commence within one month after the health care provider has established an electronic health records system and data interface pursuant to the e-health standards developed by the Vermont information technology leaders. A health insurer shall report to the department all data regarding immunizations of adults and of children under the age of 18 at least quarterly. All data required pursuant to this subsection shall be reported in a form required by the department.

(b) The department may use the data to create a registry of immunizations. Registry information regarding a particular adult shall be provided, upon request, to the adult, the adult's health care provider, and the adult's health insurer. A minor child's record also may be provided, upon request, to school nurses, and upon request and with written parental consent, to licensed day care providers, to document compliance with Vermont immunization laws. Registry information regarding a particular child shall be provided, upon request, to the child after the child reaches the age of majority and to the child's parent, guardian, health insurer, and health care provider. Registry information shall be kept confidential and privileged and may be shared only in summary, statistical, or other form in which particular individuals are not identified.

76. 18 V.S.A. § 1141: Results of communicable disease testing

§ 1141. COMMUNICABLE DISEASE TESTING

(a) A health care provider may order a test for bloodborne pathogens if a health care worker, public safety personnel, or emergency personnel has been exposed to the blood or bodily fluids of the source patient in a manner sufficient to transmit a bloodborne pathogen-related illness to the affected worker while engaged in rendering health services to the source patient, and provided that:

(1) the source patient:

(A) has provided informed consent, as defined in subdivision 9701(17) of this title; or

(B) is deceased;

(2) the worker has provided a blood sample and consented to testing for bloodborne pathogens and a physician has documented that bloodborne pathogen test results are needed for beginning, continuing, modifying, or discontinuing medical treatment for the worker;

(3) a physician with specialty training in infectious diseases has confirmed that the worker has been exposed to the blood or bodily fluids of the source patient in a manner sufficient to transmit a bloodborne pathogen-related illness;

(4) a health care provider has informed the worker of the confidentiality requirements in subsection (c) of this section and the penalties for unauthorized disclosure of source patient information under subsection (e) of this section; and

(5) a health care provider has informed the source patient of the purpose and confidentiality provisions in subsections (b) and (c) of this section, respectively, if applicable.

(b) Bloodborne pathogen test results of a source patient obtained under subsection (a) of this section are for diagnostic purposes and to determine the need for treatment or medical care specific to a bloodborne pathogen-related illness of a worker. Test results may not be used as evidence in any criminal or civil proceedings.

(c) The result of a test ordered pursuant to subsection (a) of this section is protected health information subject to the "Standards for Privacy of Individually Identifiable Health Information" established under the Health Insurance Portability and Accountability Act of 1996 and contained in 45 C.F.R., Parts 160 and 164, and any subsequent amendments. Test results shall be confidential except that the worker who sustained the exposure, the health care provider who ordered the test, and the source patient, upon his or her request, shall be informed of the test results. Test results reported to the worker and documented in his or her medical record shall not include any personally identifying information relative to the source patient. Test results shall be transmitted to the commissioner of health pursuant to subsection (i) of this section.

(d) Prior to laboratory testing of a source patient's blood sample for bloodborne pathogens, personal identifiers shall be removed from the sample.

(e) Unauthorized disclosures of test results obtained under this section shall be subject to the penalties provided under the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. subsections 1320d-5 and 1320d-6, and may be considered unprofessional conduct under applicable licensing, certification, and registration laws.

(f) The results of rapid testing technologies shall be considered preliminary and may be released in accordance with the manufacturer's instructions as approved by the federal Food and Drug Administration. Corroborating or confirmatory testing must be conducted as follow-up to a positive preliminary test.

(g) The health care provider who requested the test shall provide the source patient and the worker an opportunity to receive follow-up testing and shall provide information on options for counseling, as appropriate.

(h) Records pertaining to testing performed pursuant to this section shall not be recorded in the source patient's medical record unless authorized by the source patient and shall not be maintained in the location where the test is ordered or performed for more than 60 days.

(i) A laboratory having personal knowledge of a test result under this section shall transmit within 24 hours a report thereof to the department of health pursuant to subsection 1001(k) of this title.

(j) The employer of any worker exposed to blood or bodily fluids while rendering health services to a source patient during the performance of normal job duties shall maintain an incident report with information regarding the exposure that is relevant to a workers' compensation claim. The employer shall not be provided or have access to information personally identifying the source patient.

(k) The costs of all diagnostic tests authorized by these provisions shall be borne by the employer of the worker.

(l) Notwithstanding any other law to the contrary, a health care provider who orders a test in accordance with this section shall not be subject to civil or criminal liability for ordering the test. Nothing in this subsection shall be construed to establish immunity for the failure to exercise due care in the performance or analysis of the test.

(m) A health care provider's duties under this section are not continuing but limited to testing and services performed under this section.

77. 18 V.S.A. § 1552(c): Maternal mortality information collected and analyzed by the Northern New England Perinatal Quality Improvement Network

§ 1552. MATERNAL MORTALITY REVIEW PANEL ESTABLISHED

(a) There is established a maternal mortality review panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in Vermont for the purposes of identifying factors associated with the deaths and making recommendations for system changes to improve health care services for women in this state. The members of the panel shall be appointed by the commissioner of health as follows:

* * *

(b) The term of each member shall be three years and the terms shall be staggered. The commissioner shall appoint the initial chair of the panel, who shall call the first meeting of the panel and serve as chair for six months, after which time the panel shall elect its chair. Members of the panel shall receive no compensation.

(c) The commissioner may delegate to the Northern New England Perinatal Quality Improvement Network (NNEPQIN) the functions of collecting, analyzing, and disseminating maternal mortality information; organizing and convening meetings of the panel; and such other substantive and administrative tasks as may be incident to these activities. The activities of the NNEPQIN and its employees or agents shall be subject to the same confidentiality provisions as apply to members of the panel.[15]

[15] 18 V.S.A. § 1554 addresses the confidentiality of maternal mortality review panel proceedings and records. This provision was reviewed by the Public Records Study Committee in 2011.

§ 1554. Confidentiality

(a) The panel's proceedings, records, and opinions shall be confidential and shall not be subject to inspection or review under 1 V.S.A. chapter 5, subchapter 3 or to discovery, subpoena, or introduction into evidence in any civil or criminal proceeding; provided, however, that nothing in this subsection shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the panel's proceedings.

(b) Members of the panel shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting of the panel; provided, however, that nothing in this subsection shall be construed to prevent a member of the panel from testifying to information obtained independently of the panel or which is public information.

78. 18 V.S.A. § 5088: Birth Information Network information

§ 5088. BIRTH INFORMATION NETWORK; CONFIDENTIALITY

(a) The birth information network shall be designed to protect the confidentiality of the individuals and families involved. Information from the network shall be used only in ways that reflect responsible public health protocols and practice.

(b) The commissioner shall take measures necessary to comply with the federal "Standards for Privacy of Individually Identifiable Health Information" contained in Parts 160 and 164 of Title 45 of the Code of Federal Regulations, 45 CFR §§ 160.101 et seq. and 45 CFR §§ 164.102 et seq., and any subsequent amendments, including the following:

(1) security procedures limiting access to network data;

(2) a confidentiality statement to be signed by staff members;

(3) encryption of identifying information; and

(4) use of information for research and assessment purposes.

79. 18 V.S.A. § 5222(d): Fetal death reports

§ 5222. REPORTS

(a) The following fetal deaths shall be reported by the hospital, physician, or funeral director directly to the commissioner within seven days after delivery on forms prescribed by the board:

(1) All fetal deaths of 20 or more weeks of gestation or, if gestational age is unknown, of 400 or more grams, 15 or more ounces, fetal weight shall be reported;

(2) All therapeutic or induced abortions, as legally authorized to be performed, of any length gestation or weight shall be reported;

(3) Spontaneous abortions and ectopic pregnancies of less than 20 weeks gestation are not required to be reported.

(b) The physician who treats a woman as a result of a miscarriage or abortion shall report the fetal death if it is not known to be previously reported under subsection (a) of this section. If there is evidence of violence or other unusual or suspicious circumstances, the medical examiner shall be immediately notified, and he or she shall complete at least the medical items on the report. If a funeral director is to be involved, the physician may delegate to the funeral director the responsibility for completing items other than those of a medical nature. Similarly, the physician may delegate the responsibility for completion of nonmedical items to appropriate personnel having access to records containing the information.

(c) If a fetal death occurs on a moving conveyance, the place of occurrence shall be given as the town or city where removal from the vehicle took place.

(d) Fetal death reports are for statistical purposes only and are not public records. They shall be destroyed after five years.

80. 18 V.S.A. § 9719(b): Information in Advance Directives Registry

§ 9719. OBLIGATIONS OF STATE AGENCIES

(a) No later than March 1, 2012, and from time to time thereafter, the commissioner, in consultation with all appropriate agencies and organizations, shall adopt rules pursuant to 3 V.S.A. chapter 25 to effectuate the intent of this chapter. The rules shall cover at least one optional form of an advance directive with an accompanying form providing an explanation of choices and responsibilities, the Vermont DNR/COLST form as outlined in subsection 9708(b) of this title, the use of experimental treatments, a DNR identification, revocation of a DNR identification, and consistent statewide emergency medical standards for DNR/COLST orders and advance directives for patients and principals in all settings. The commissioner shall also provide, but without the obligation to adopt a rule, optional forms for advance directives for individuals with disabilities, limited English proficiency, and cognitive translation needs.

(b)(1) Within one year of the effective date of this chapter, the commissioner shall develop and maintain a registry to which a principal may submit his or her advance directive, including a terminal care document and a durable power of attorney. The rules shall describe when health care providers, health care facilities, and residential care facilities may access an advance directive in the registry. In no event shall the information in the registry be accessed or used for any purpose unrelated to decision-making for health care or disposition of remains, except that the information may be used for statistical or analytical purposes as long as the individual's identifying information remains confidential.

(2)(A) Within one year of the effective date of this chapter, the commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 on the process for securely submitting, revoking, amending, replacing, and accessing the information contained in the registry. The rules shall provide for incorporation into the registry of notifications of amendment, suspension, or revocation under subsection 9704(c) of this title and revocations of appointment under subsection 9704(d) of this title.

(B) The commissioner shall provide to any individual who submits an advance directive to the registry a sticker that can be placed on a driver's license or identification card indicating that the holder has an advance directive in the registry.

(c)(1) Within one year of the effective date of this chapter, the commissioner shall provide on the department's public website information on advance directives and the registry to appropriate state offices. The commissioner shall also include information on advance directives, and on the registry and the optional forms of an advance directive.

(2) Within one year of the effective date of this chapter, the commissioner of motor vehicles shall provide motor vehicle licenses and identity cards, as soon as existing licenses or cards have been depleted, which allow the license holder or card holder to indicate that he or she has an advance directive and whether it is in the registry.

V. Legislative Branch

81. 2 V.S.A. § 404(c): Requests by a member of the General Assembly to the Office of Legislative Council for legal assistance and information received in connection with research or drafting

§ 404. FUNCTIONS

(a) The legislative council shall direct, supervise and coordinate the work of its staff and secretaries.

(b) The legislative council shall:

(1) Furnish research services in relation to legislative problems;

(2) Furnish drafting services for bills, resolutions and amendments;

(3) Establish and maintain a reference library;

(4) Furnish such other information and legal assistance respecting legislative matters as may be required by a committee of either house, a joint committee of the general assembly, or a member-elect of the general assembly;

(5) Appoint one or more persons to serve as staff for a standing committee of either house or any group of standing committees of the house and senate;

(6) Except when the general assembly is in session and upon the request of any person provide him, on a weekly basis, with a list of all public hearings or meetings scheduled by a council, committee, subcommittee, commission or study committee of the general assembly or any cancellations of hearings or meetings thereof previously scheduled;

(7) Keep minutes of its meetings and shall maintain a file thereof.

(c) All requests for legal assistance, information and advice and all information received in connection with research or drafting shall be confidential unless the party requesting or giving the information designates in the request that it is not confidential. Transcripts and minutes of committee meetings, including written testimony submitted to the committee, bills or amendments which have been released or approved for printing or introduction and material appearing in the journals or calendars of either house are official documents and shall not be confidential under this subsection.

82. 2 V.S.A. § 502(b)(2): Requests by a member of the General Assembly to the Joint Fiscal Office for fiscal research and information

§ 502. EMPLOYEES; RULES; BUDGET

(a) The joint fiscal committee shall meet immediately following the appointment of its membership to organize and conduct its business. The joint fiscal committee shall adopt rules for the operation of its personnel.

(b) The joint fiscal committee shall employ such professional and secretarial staff as are required to carry out its functions and fix their compensation.

(1) Chapter 13 of Title 3 shall not apply to employees of the joint fiscal committee unless this exception is partially or wholly waived by the joint fiscal committee.

(2) All requests for assistance, information, and advice and all information received in connection with fiscal research or related drafting shall be confidential unless the party requesting or giving the information designates in the request that it is not confidential. Documents, transcripts, and minutes of committee meetings, including written testimony submitted to a committee, fiscal notes and summaries which have been released or approved for printing or introduction, and material appearing in the journals or calendars of either house are official documents and shall not be confidential under this subsection.

(c) The joint fiscal committee shall prepare a budget.