

H.492

An act relating to the Racial Justice Board

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

Sec. 1. 3 V.S.A. § 168 is added to read:

§ 168. RACIAL JUSTICE BOARD

(a) The Racial Justice Board is established. The Board shall be organized and have the duties and responsibilities as provided in this section. The Board shall be organized within the Office of the Attorney General which shall provide the Board with administrative and professional support, and members of the Board shall be drawn from throughout the State and from diverse racial, ethnic, religious, age, gender, sexual orientation, and socioeconomic backgrounds, and shall have had experience working to implement racial justice reform.

(b) The Board shall comprise the following 15 members:

(1) five members to represent the interests of communities of color throughout the State, appointed by the Attorney General, including:

(A) a member with expertise in implicit bias;

(B) a member with expertise in education;

(C) a member with expertise in labor and employment;

(D) a member with expertise in health care; and

(E) a member with expertise in economic development;

- (2) the Executive Director of the Vermont Criminal Justice Training Council or designee;
- (3) the Attorney General or designee;
- (4) the Defender General or designee;
- (5) the Executive Director of the State's Attorneys and Sheriffs or designee;
- (6) the Chief Superior Judge or designee;
- (7) the Commissioner of Corrections or designee;
- (8) the Commissioner of Public Safety or designee;
- (9) a representative of the Vermont Police Association;
- (10) the Executive Director of the Vermont Human Rights Commission or designee; and
- (11) the Executive Director of the Vermont chapter of the ACLU or designee.

(c) The members of the Board appointed under subdivision (b)(1) of this section shall serve staggered four-year terms. As terms of currently serving members expire, appointments of successors shall be in accord with the provisions of subsection (b) of this section. Appointments of members to fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term. Members of the Board shall be

eligible for reappointment. Members of the Board shall serve no more than three consecutive terms in any capacity.

(d) Members of the Board shall elect biennially by majority vote the Chair of the Board. Members of the Board who are not State employees or whose participation is not supported through their employment or association shall receive per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010, to be provided by the Office of the Attorney General. The Board may meet up to three times per year.

(e) A majority of the members of the Board shall constitute a quorum, and all action shall be taken upon a majority vote of the members present and voting.

(f) The Board shall undertake an ongoing formal review of racial justice reform across the State, including within the systems of education, labor and employment, housing, health care, economic development, and criminal and juvenile justice, by monitoring the collection and publication of race-based data, recommending policies and trainings to address systemic implicit bias, and evaluating racial justice policies, practices, and results statewide, including determining whether there is variation across the State and the cause of any such variation. In furtherance of that responsibility, the Board shall:

(1) review and make recommendations to address persistent racial disparities in statewide systems of education, labor and employment, economic development, health care, and housing;

(2) review and make recommendations regarding statewide criminal and juvenile justice reform, including:

(A) continually reviewing the data collected pursuant to 20 V.S.A. § 2366 to measure State progress toward a fair and impartial system of law enforcement;

(B) providing recommendations to the Criminal Justice Training Council and the Vermont Bar Association, based on the latest social science research and best practices in law enforcement and criminal and juvenile justice, on model trainings and policies for law enforcement, judges, correctional officers, and attorneys, including prosecutors and public defenders, to recognize and address implicit bias; and

(C) providing recommendations to the Criminal Justice Training Council, based on the latest social science research and best practices in law enforcement, on a model training and policy on the use of force in policing;

(3) educate and engage with communities, businesses, educational institutions, State and local governments, and the general public about the nature and scope of racial discrimination and the systemic and institutionalized nature of race-based bias, and on progress made toward racial justice;

(4) at the Board's discretion, provide the Executive and Legislative Branches of State government with an assessment of the disparate racial impact of a proposed policy or legislation; and

(5) on or before January 15, 2018, and biennially thereafter, report to the General Assembly, and provide as a part of that report recommendations to address systemic implicit bias in Vermont, including:

(A) a public complaint process to address perceived implicit bias across all systems of State government;

(B) prohibiting racial profiling, including any associated penalties;

(C) expanding law enforcement race data collection practices to include data on nontraffic stops by law enforcement; and

(D) amending the Vermont Constitution to clarify that slavery in any form is prohibited.

Sec. 2. CRIMINAL JUSTICE TRAINING COUNCIL; REPORTING TO  
THE RACIAL JUSTICE BOARD

The Criminal Justice Training Council shall, on a regular and ongoing basis, report to the Racial Justice Board regarding:

(1) the adoption and implementation of the Board's recommended implicit bias trainings and policies pursuant to 3 V.S.A. § 168(f)(2)(B);

(2) the incorporation of implicit bias training into the requirements of basic training pursuant to 20 V.S.A. § 2358; and

(3) the implementation of the refresher trainings as required by  
20 V.S.A. § 2358(e).

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.