

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 145  
3 entitled “An act relating to establishing a Mental Health Crisis Commission”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 7257a is added to read:

8 § 7257a. MENTAL HEALTH CRISIS RESPONSE COMMISSION

9 (a) There is created the Mental Health Crisis Response Commission within  
10 the Office of the Attorney General for the following purposes:

11 (1) to conduct reviews of law enforcement interactions with persons  
12 demonstrating symptoms of mental illness that have led to and resulted in a  
13 fatality or serious bodily injury to any party to the interaction;

14 (2) to identify where increased or alternative supports or strategic  
15 investments within law enforcement, designated agencies, or other community  
16 service systems could improve outcomes;

17 (3) to educate the public, service providers, and policymakers about  
18 strategies for intervention in and prevention of mental health crises;

19 (4) to recommend policies, practices, and services that will encourage  
20 collaboration and increase successful interventions between law enforcement  
21 and persons demonstrating symptoms of mental illness;

1           (5) to recommend training strategies for public safety, emergency, or  
2           other crisis response personnel that will increase successful interventions; and

3           (6) to make recommendations based on the review of cases before the  
4           Commission.

5           (b) Each incident involving an interaction between law enforcement and a  
6           person who is demonstrating symptoms of a mental illness that results in a  
7           death or serious bodily injury to any party shall be referred to the Office of the  
8           Attorney General by the relevant law enforcement agency for review, analysis,  
9           and recommendations.

10          (c)(1) The Commission shall comprise the following members:

11           (A) the Attorney General or designee;

12           (B) the Commissioner of Public Safety or designee;

13           (C) the Commissioner of Mental Health or designee;

14           (D) a State's Attorney with experience investigating use-of-force  
15           incidents, appointed by the Executive Director of the Department of State's  
16           Attorneys and Sheriffs;

17           (E) a representative of local law enforcement, appointed by the  
18           Governor;

19           (F) a representative of the Vermont State Police;

20           (G) the Executive Director of the Vermont Criminal Justice Training  
21           Council or designee;

1            (H) one judge, appointed by the Chief Justice of the Vermont  
2 Supreme Court an individual who has a personal experience of living with a  
3 mental illness or psychiatric disability, appointed by Vermont Psychiatric  
4 Survivors;

5            (I) a family member of an individual who experienced or is  
6 experiencing a mental condition or psychiatric disability, appointed by the  
7 National Alliance on Mental Illness;

8            (K) a representative of the designated agencies, appointed by  
9 Vermont Care Partners; and

10           (L) the director of Disability Rights Vermont or designee.

11           (2) The members of the Commission specified in subdivision (1) of this  
12 subsection shall serve two-year terms. Any vacancy on the Commission shall  
13 be filled in the same manner as the original appointment. The replacement  
14 member shall serve for the remainder of the unexpired term.

15           (d)(1) The Attorney General or designee shall call the first meeting of the  
16 Commission to occur on or before September 30, 2017.

17           (2) The Commission shall select a chair and vice chair from among its  
18 members at the first meeting, and annually thereafter.

19           (3) The Commission shall meet at such times as may reasonably be  
20 necessary to carry out its duties, but at least once in each calendar quarter.

1       (e) In any case subject to review by the Commission, upon written request  
2       of the Commission, a person who possesses information or records that are  
3       necessary and relevant to a fatality or serious bodily injury review shall, as  
4       soon as practicable, provide the Commission with the information and records.  
5       A person who provides information or records upon request of the  
6       Commission is not criminally or civilly liable for providing information or  
7       records in compliance with this section.

8       (f) The proceedings and records of the Commission are confidential and are  
9       not subject to subpoena, discovery, or introduction into evidence in a civil or  
10       criminal action. The Commission shall disclose conclusions and  
11       recommendations upon request, but may not disclose information, records, or  
12       data that are otherwise confidential, such as autopsy records. The Commission  
13       shall not use the information, records, or data for purposes other than those  
14       designated by subsections (a) and (b) of this section.

15       (g) The Commission is authorized to require any person appearing before it  
16       to sign a confidentiality agreement created by the Commission in order to  
17       maintain the confidentiality of the proceedings. In addition, the Commission  
18       may enter into agreements with nonprofit organizations and private agencies to  
19       obtain otherwise confidential information.

20       (h) Commission meetings are confidential and shall be exempt from  
21       1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law). Except as

1 otherwise provided in subsection (f) of this section, Commission records are  
2 exempt from public inspection and copying under the Public Records Act and  
3 shall be kept confidential.

4 (i) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its  
5 findings and recommendations to the Governor, General Assembly, and Chief  
6 Justice of the Vermont Supreme Court on or before January 15 of the first year  
7 of the biennium. The report shall be available to the public through the Office  
8 of the Attorney General.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2017.

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18 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

FOR THE COMMITTEE