

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 492
3 entitled “An act relating to Racial Justice Oversight Board” respectfully reports
4 that it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

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

8 § 168. RACIAL JUSTICE OVERSIGHT BOARD

9 (a) The Racial Justice Oversight Board is established. The Board shall be
10 organized and have the duties and responsibilities as provided in this section.
11 The Board shall be organized within the Office of the Attorney General, and
12 members of the Board shall be drawn from throughout the State and from
13 diverse racial, ethnic, religious, age, gender, sexual orientation, and
14 socioeconomic backgrounds, and shall have had experience working to
15 implement racial justice reform.

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

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

19 (A) a member with expertise in implicit bias;

20 (B) a member with expertise in education;

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

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

2 (E) a member with expertise in economic development;

3 (2) the Executive Director of the Vermont Criminal Justice Training
4 Council or designee;

5 (3) the Attorney General or designee;

6 (4) the Defender General or designee;

7 (5) the Executive Director of the State’s Attorneys and Sheriffs or
8 designee;

9 (6) the Chief Superior Judge or designee;

10 (7) the Commissioner of Corrections or designee;

11 (8) the Commissioner of Public Safety or designee;

12 (9) a representative of the Vermont Police Association;

13 (10) the Executive Director of the Vermont Human Rights Commission
14 or designee; and

15 (11) the Executive Director of the Vermont chapter of the ACLU or
16 designee.

17 (c) The terms of members shall be four years. As terms of currently
18 serving members expire, appointments of successors shall be in accord with
19 the provisions of subsection (b) of this section. Appointments of members to
20 fill vacancies or expired terms shall be made by the authority that made the

1 initial appointment to the vacated or expired term. Members of the Board shall
2 be eligible for reappointment.

3 (d) Members of the Board shall elect biennially by majority vote the Chair
4 of the Board. Members of the Board shall receive no compensation for their
5 services, but shall be entitled to reimbursement for expenses in the manner and
6 amount provided to employees of the State.

7 (e) Eight members shall constitute a quorum of the Board. Once a quorum
8 has been established, the vote of a majority of the members present at the time
9 of the vote shall be an act of the Board.

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

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

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

3 (A) continually reviewing the data collected pursuant to 20 V.S.A.
4 § 2366 to measure State progress toward a fair and impartial system of law
5 enforcement;

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

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

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

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

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

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

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

7 (C) expanding law enforcement race data collection practices to
8 include data on non-traffic stops by law enforcement; and

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

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

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

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

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

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

1 (4) the Council’s efforts to establish methods of oversight and
2 professional regulation of the systems for criminal and juvenile justice,
3 including a statewide program for civilian oversight of law enforcement.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on passage.

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12 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE