

1 H.381

2 Introduced by Representatives Rachelson of Burlington, Burke of Brattleboro,
3 Campbell of St. Johnsbury, Carroll of Bennington, Chesnut-
4 Tangerman of Middletown Springs, Cina of Burlington,
5 Colburn of Burlington, Colston of Winooski, Cordes of
6 Lincoln, Gonzalez of Winooski, Lippert of Hinesburg,
7 O'Sullivan of Burlington, and Yantachka of Charlotte

8 Referred to Committee on

9 Date:

10 Subject: Legislature; Legislative Council; racial impact statements

11 Statement of purpose of bill as introduced: This bill proposes to require the
12 Office of Legislative Council to prepare a racial impact statement on certain
13 proposed legislation.

14 An act relating to racial impact statements

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

16 Sec. 1. 2 V.S.A. chapter 13, subchapter 6 is added to read:

17 SUBCHAPTER 6. RACIAL IMPACT STATEMENTS

18 § 431. LEGISLATIVE INTENT

19 (a) The General Assembly is increasingly concerned with the disparity
20 between the number of minorities in the population and the number

1 incarcerated in jails and prisons. Criminal justice policies, while neutral on
2 their face, often adversely affect minority communities; these unintended
3 consequences could be more adequately addressed prior to adoption of a new
4 initiative, particularly since such initiatives, once adopted, often are difficult to
5 reverse.

6 (b) Racial impact statements are tools to guide policymakers in proactively
7 assessing how proposed sentencing initiatives impose racial disparities in the
8 criminal and juvenile justice system. Similar to fiscal and environmental
9 impact statements, they provide legislators and State agencies with a statistical
10 analysis of the projected impact of policy changes before legislative
11 deliberation.

12 § 432. DEFINITION

13 As used in this subchapter, “minority person” means a person who is:

14 (1) African American who has origins in any of the black racial
15 groups of the African Diaspora, regardless of cultural origin;

16 (2) Hispanic American of Spanish or Portuguese culture who has
17 origin in Spain, Portugal, Mexico, South America, Central America, or the
18 Caribbean, regardless of race;

19 (3) Asian American who has origins in any of the original peoples of
20 the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific islands,
21 including the Hawaiian Islands before 1778; or

1 (4) Native American who has origins in any of the Indian Tribes of
2 North America before 1835, upon presentation of proper documentation as
3 specified by rule of the Department of Management Services.

4 § 433. RACIAL IMPACT STATEMENTS

5 (a) At the request of the committee to which a bill, resolution, or
6 amendment is referred, the Office of Legislative Council shall prepare a racial
7 impact statement for each proposed bill, resolution, or amendment that:

8 (1) impacts pretrial detention, sentencing, probation, or parole; or

9 (2) establishes a new crime or modifies an existing crime or the
10 penalties associated with the crime.

11 (b) The racial impact statement shall be made available to the committee
12 prior to a vote on the bill, resolution, or amendment, and shall include:

13 (1) an assessment of the potential impact of the proposed legislation on
14 racial and ethnic minorities, including whether it is likely to have a
15 disproportionate or unique impact on the racial and ethnic communities in the
16 State and the rationale, if any, for the proposed legislation having an
17 identifiable impact on racial and ethnic persons in this State;

18 (2) a statistical analysis of how the change in legislation would affect
19 racial and ethnic minorities;

20 (3) the impact of the change in policy on correctional facilities and
21 services for racial and ethnic minorities;

- 1 (4) the estimated number of criminal and juvenile justice matters
2 involving racial and ethnic minorities adjudicated each year;
- 3 (5) the anticipated effect of the change in policy on public safety in
4 racial and ethnic communities in the State and for victims and potential victims
5 in those communities; and
- 6 (6) an estimate of the number of criminal cases per year that the bill,
7 resolution, or amendment will affect.
- 8 (c) State agencies shall make data available to the Office of Legislative
9 Council for the purposes of preparing racial impact statements.
- 10 (d) If the General Assembly finds that a bill, resolution, or amendment has
11 disparate impact on members of racial minority groups, the author of the bill,
12 resolution, or amendment shall:
- 13 (1) offer an amendment to the bill to reduce the disparate impact of the
14 legislation on members of racial minority groups; or
- 15 (2) provide for the members of the body, in writing, his or her reasons
16 for advancing the legislation without amending the disparate impact of the
17 legislation on members of racial minority groups.
- 18 Sec. 2 EFFECTIVE DATE
- 19 This act shall take effect on July 1, 2019.