

1 H.836

2 Introduced by Representative Colburn of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; deceptive communications to law enforcement

6 officers; private right of action

7 Statement of purpose of bill as introduced: This bill proposes to create a
8 private right of action for damages against a person who causes a law
9 enforcement officer to arrive at a location with the intent to infringe on another
10 person's constitutional rights, unlawfully discriminate against another person,
11 harass or embarrass another person, cause another person to be expelled from a
12 place where the person has a lawful right to be, or damage another person's
13 reputation or financial interests.

14 An act relating to creating a private right of action for deceptive
15 communications to law enforcement officers made with the intent to
16 discriminate, harass, or infringe on constitutional rights

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

18 Sec. 1. 12 V.S.A. § 1043 is added to read:

19 § 1043. DECEPTIVE COMMUNICATIONS TO LAW ENFORCEMENT

20 OFFICERS; PRIVATE RIGHT OF ACTION

1 (a) A petitioner may bring an action for damages and injunctive relief in
2 the Civil Division of the Superior Court against any person who knowingly
3 causes a law enforcement officer to arrive at a location to contact the petitioner
4 with the intent to:

5 (1) infringe on rights the petitioner has under the Vermont or United
6 States Constitutions;

7 (2) unlawfully discriminate against the petitioner;

8 (3) cause the petitioner to feel harassed, humiliated, or embarrassed;

9 (4) cause the petitioner to be expelled from a place where the petitioner
10 is lawfully located; or

11 (5) damage the petitioner's:

12 (A) reputation or standing within the community; or

13 (B) financial, economic, consumer, or business prospects or interests.

14 (b)(1) The court shall award damages to a petitioner who prevails in an
15 action under this section in the amount of the petitioner's actual damages or
16 \$500.00 for each violation, whichever is greater.

17 (2) The court may award punitive damages, reasonable costs, and
18 attorney's fees to a petitioner who prevails in an action under this section.

19 (c) As used in this section, "law enforcement officer" means a person
20 certified as a law enforcement officer pursuant to 20 V.S.A. § 2358.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2020.