Introduced by Committee on Judiciary

Referred to Committee on

Date:

Subject: Law enforcement; minimum training standards; fair and impartial policing

Statement of purpose of bill as introduced: This bill proposes to allow law enforcement agencies to keep information regarding citizenship and immigration status confidential to a greater extent than the model fair and impartial policing policy requires.

An act relating to fair and impartial policing

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

Sec. 1. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL POLICING POLICY; RACE DATE COLLECTION

(a)(1) On or before March 1, 2018, every State, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt a fair and impartial policing policy that includes, at a minimum, each component of the Criminal Justice Training Council’s model fair and impartial policing policy, but may include
components that impose more restrictive confidentiality requirements on
information regarding citizenship or immigration status, consistent with
applicable laws.

(2) On or before October 1, 2018, and every even-numbered year
thereafter, the Criminal Justice Training Council, in consultation with others,
including the Attorney General and the Human Rights Commission, shall
review and, if necessary, update the model fair and impartial policing policy.

* * *

(f) Nothing in this section is intended to prohibit or impede any public
agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and
1644. To the extent any State or local law enforcement policy or practice
conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, that
policy or practice is, to the extent of the conflict, abolished. In the event that a
court with jurisdiction over Vermont finds the provisions of 8 U.S.C. § 1373 to
be unconstitutional, agencies and constables required to adopt a policy
pursuant to this section may adopt a policy that empowers agencies to more
closely control their officers’ communications with federal authorities.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.