

1 Introduced by Committee on Judiciary

2 Referred to Committee on

3 Date:

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

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

10 An act relating to fair and impartial policing

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

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

13 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
14 POLICING POLICY; RACE DATE COLLECTION

15 (a)(1) On or before March 1, 2018, every State, county, and municipal law
16 enforcement agency and every constable who exercises law enforcement
17 authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with
18 section 2358 of this title shall adopt a fair and impartial policing policy that
19 includes, ~~at a minimum,~~ each component of the Criminal Justice Training
20 Council's model fair and impartial policing policy, but may include

1 components that impose more restrictive confidentiality requirements on
2 information regarding citizenship or immigration status, consistent with
3 applicable laws.

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

8 * * *

9 (f) Nothing in this section is intended to prohibit or impede any public
10 agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and
11 1644. To the extent any State or local law enforcement policy or practice
12 conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, that
13 policy or practice is, to the extent of the conflict, abolished. In the event that a
14 court with jurisdiction over Vermont finds the provisions of 8 U.S.C. § 1373 to
15 be unconstitutional, agencies and constables required to adopt a policy
16 pursuant to this section may adopt a policy that empowers agencies to more
17 closely control their officers' communications with federal authorities.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on passage.