

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 250 entitled “An act relating to law enforcement data collection and
4 interrogation” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
10 POLICING POLICY; ~~RACE~~ DATA COLLECTION

11 * * *

12 (e)(1) On or before September 1, ~~2014~~ 2022, every State, county, and
13 municipal law enforcement agency shall collect all data concerning law
14 enforcement encounters, including roadside stop data consisting of the
15 following:

16 (A) the age, gender, and race of the **driver individual**;

17 (B) the grounds for the stop;

18 (C) the grounds for the search and the type of search conducted, if

19 any;

20 (D) the evidence located, if any;

1 (E) the outcome of the stop, including whether physical force was
2 employed or threatened during the stop, and if so, the type of force employed
3 and whether the force resulted in bodily injury or death, and whether:

4 (i) a written warning was issued;

5 (ii) a citation for a civil violation was issued;

6 (iii) a citation or arrest for a misdemeanor or a felony occurred; or

7 (iv) no subsequent action was taken.

8 (2) Law enforcement agencies shall work with the Executive Director of
9 Racial Equity, the Criminal Justice Council, and a vendor chosen by the
10 Council with the goals of collecting uniform data, adopting uniform storage
11 methods and periods, and ensuring that data can be analyzed. Roadside stop
12 data, as well as reports and analysis of roadside stop data, shall be public.

13 (3) On or before ~~September~~ July 1, 2016 2023 and annually thereafter,
14 law enforcement agencies shall provide all data collected by the agency,
15 including the data collected under this subsection, to the Executive Director of
16 Racial Equity and the vendor chosen by the Criminal Justice Council under
17 subdivision (2) of this subsection or, in the event the vendor is unable to
18 continue receiving data under this section, to the Council. Law enforcement
19 agencies shall provide the data collected under this subsection in an electronic
20 format specified by the receiving entity.

1 information consistently and appropriately under the obligations of *Giglio v.*
2 *United States*, 405 U.S. 150 (1972), and its progeny.

3 (b) Membership. The Giglio Database Study Committee shall be
4 composed of the following members:

5 (1) Two current members of the House of Representatives, not from the
6 same political party, who shall be appointed by the Speaker of the House;

7 (2) Two current members of the Senate, not from the same political
8 party, who shall be appointed by the President Pro Tempore;

9 (3) the Commissioner of the Department of Public Safety or designee;

10 (4) the Executive Director of the Vermont Criminal Justice Council or
11 designee;

12 (5) the President of the Vermont Sheriffs' Association or designee;

13 (6) the President of the Vermont Association of Chiefs of Police or
14 designee;

15 (7) the Executive Director of the Vermont Office of Racial Equity;

16 (8) the Attorney General or designee; and

17 (9) the Executive Director of the Department of State's Attorneys and
18 Sheriffs or designee.

19 (c) Powers and duties. The Giglio Database Study Committee shall study
20 the appropriate structure and process to administer a law enforcement officer
21 information database designed to facilitate the disclosure of potential

1 impeachment information by prosecutors pursuant to legal obligations. The
2 Committee shall study the following:

3 (1) the appropriate department or agency to manage and administer the
4 database;

5 (2) the type and scope of information maintained in the database;

6 (3) any gatekeeping functions used to review information before it is
7 entered into the database;

8 (4) any due process procedures to dispute information entered into the
9 database

10 (5) how to securely maintain the database;

11 (6) the appropriate access to the database;

12 (7) the confidentiality of the information maintained in, or accessed
13 from, the database; and

14 (8) the resources necessary to effectively administer and maintain the
15 database.

16 (d) Report. On or before December 1, 2022, the Committee shall submit a
17 written report with legislative recommendations to the House and Senate
18 Committees on Government Operations.

19 (e) Assistance. The Giglio Database Study Committee shall have the
20 administrative, technical, and legal assistance of the Vermont Criminal Justice
21 Council and any other stakeholders interested in assisting with the report.

1 (A) involving questioning by a law enforcement officer that is
2 reasonably likely to elicit an incriminating response from the subject; and

3 (B) in which a reasonable person in the subject’s position would
4 consider ~~himself or herself~~ the person to be in custody, starting from the
5 moment a person should have been advised of ~~his or her~~ the person’s Miranda
6 rights and ending when the questioning has concluded.

7 * * *

8 (3) “Place of detention” means a building or a police station that is a
9 place of operation for the State police, a municipal police department, county
10 sheriff department, or other law enforcement agency that is owned or operated
11 by a law enforcement agency at which persons are or may be questioned in
12 connection with criminal offenses or detained temporarily in connection with
13 criminal charges pending a potential arrest or citation.

14 (4) “Statement” means an oral, written, sign language, or nonverbal
15 communication.

16 (b)(1) A custodial interrogation that occurs in a place of detention
17 concerning the investigation of a felony or misdemeanor violation of ~~chapter~~
18 ~~53 (homicide) or 72 (sexual assault)~~ of this title shall be electronically recorded
19 in its entirety. Unless impracticable, a custodial recording occurring outside a
20 place of detention concerning the investigation of a felony or misdemeanor
21 violation of this title shall be electronically recorded in its entirety.

1 (1) when providing false facts about evidence to a suspect during an
2 interview conducted after the commission of a crime results in an involuntary
3 confession or admission to the crime;

4 (2) when confessions or admissions to crimes procured by providing a
5 defendant with false facts should be inadmissible;

6 (3) the appropriate age and circumstances to prohibit coercive
7 techniques in cases involving juveniles;

8 (4) the use of the interrogation and interviewing techniques, including
9 the Reid Technique of Investigative Interviews and Advanced Interrogation
10 Techniques, by law enforcement; and

11 (5) legislation, initiatives, or programs for the General Assembly and
12 law enforcement to consider to improve current practices.

13 (b) The Committee shall have the administrative and technical assistance of
14 the Office of Legislative Counsel. The Committee shall have the legal
15 assistance of the American Civil Liberties Union of Vermont and any other
16 stakeholders interested in assisting with the study and report. The Committee
17 shall submit a report on the study in the form of proposed legislation on or
18 before December 1, 2022.

19 Sec. 5. 20 V.S.A. § 2222 is amended to read:

20 § 2222. FEDERAL LAW ENFORCEMENT OFFICERS; POWER OF

21 ARREST FOR VERMONT CRIMES

1 (a) For purposes of this section, “a certified federal law enforcement
2 officer” means a federal law enforcement officer who:

3 (1) is employed as a law enforcement officer of the federal government
4 as:

5 (A) a special agent, border patrol agent, or immigration inspector of
6 the Immigration and Naturalization Service, U.S. Department of Justice; ~~or~~

7 (B) an officer or inspector of the U.S. Customs Service of the
8 Department of the Treasury; ~~and or~~

9 (C) a special agent, inspector, or member of the police service of the
10 U.S. Department of Veterans Affairs; and

11 (2) has satisfactorily completed a course of study in Vermont laws and
12 criminal procedures approved by the Vermont Criminal Justice Council, at the
13 expense of the officer’s agency;

14 (3) has been certified by the Commissioner of Public Safety pursuant to
15 subsection (b) of this section; and

16 (4) has taken an oath administered by the Commissioner of Public Safety
17 or by the Commissioner’s designee to uphold the Constitution of the State of
18 Vermont.

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20 Sec. 6. EFFECTIVE DATE

21 This act shall take effect on July 1, 2022.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE