

PHILIP B. SCOTT
GOVERNOR



State of Vermont
OFFICE OF THE GOVERNOR

May 11, 2021

The Honorable Becca Balint, President Pro Tempore of the Vermont Senate
The Honorable Jill Krowinski, Speaker of the Vermont House
The Honorable Richard Sears, Chair of Senate Judiciary Committee
The Honorable Maxine Grad, Chair of the House Judiciary Committee
115 State Street
Montpelier, VT 05633

Dear Senator Balint, Speaker Krowinski, Senator Sears and Representative Grad:

As you know, H. 145, *An Act Relating to Amending the Standards for Law Enforcement Use of Force* was delivered to me Friday, May 7, 2021.

First, I would like to acknowledge the very hard work done by the judiciary committees. They did an excellent job making the clarifying changes needed regarding law enforcement use of force. This was the original purpose of the bill and I support H. 145 in that respect.

However, and unfortunately, in our review of the bill as passed we discovered modifications were also made to provisions regarding justifiable homicide, unrelated to the provisions added to address use of force by law enforcement. These modifications, at best, significantly muddy the waters and at worst, appear to eliminate the ability of citizens to rise to the "defense-of-others." The result of this change is to potentially make someone into a criminal for stepping up to protect the victim of a violent crime, if they injure or kill the attacker.

It is my understanding that eliminating the "defense-of-others" provision in our law and the common law was not the intent of the change. If that is the case, the Legislature should act to correct this oversight.

To approve this bill, I request your written assurance that a clarification of intent will be adopted, effective on passage, that makes it clear that it was not intended to modify the defenses of self-defense or defense of others.

As you know, I must act on this bill no later than midnight, Thursday, May 13, 2021. I am hopeful that you will provide the assurances necessary so this otherwise good legislation can become law.

Sincerely,

Philip B. Scott
Governor

A handwritten signature in black ink, appearing to read "Philip B. Scott", written over a horizontal line.