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To: Representative Maxine Grad, Chair
House Committee on Judiciary

From: Christopher Dube, President
Professional Firefighters of Vermont

Date: February 16, 2022

Re: House Bill H.475

Dear Chairwoman Grad and members of the House Judiciary Committee,

I am writing this letter to express my concern over possible changes to Sec. 6 of 13 VSA ss 1028 - "Assault of Protected Professional; Assault with Bodily Fluids". While reading over the proposed language I have some concerns. While I realize the desire to address and make much needed changes to the criminal justice system, some of these proposes changes are of concern to me. Specifically I am speaking to subsection 1028 - "Assault of Protected Professional; Assault with Bodily Fluids".

I represent about 240 career/professional firefighter/EMT's in Vermont. Our members are on the frontline providing emergency medical care to individuals in need throughout the State. Our members have been faced with many challenges, the most recent being the Covid Pandemic, which has placed a tremendous amount of stress on members.

Assaults on emergency responders have been steadily increasing over the years, and as such, we have been committed to ensuring that all of our members, and responders as a whole, are afforded protections needed to safely and effectively perform their duties. Recognizing the increase in assaults against first responders, many States have passed laws providing the needed protections to these responders. In a time when we should be strengthening needed protections to responders, we should not be lessening the penalties against those who are assaulting our responders.

My main concern is centered around the proposed change to repeat offenders, changing the current penalty from a maximum 10 year prison sentence to 3 years. This is a substantial reduction to those who are repeat offenders and can possibly inflict the most harm to our members. While reviewing the proposed change of this offense to a Class E Felony there is also a possible fine that can/will be assessed. It is my experience that those who are multiple offenders are often times unable to pay the fines, thus rendering them ineffective. With the substantially lower prison time, the likelihood of these individuals continuing to assault our members is a reality.



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A couple of years ago during the 2019-2020 Biennium, this same committee took testimony on H.321 which was subsequently passed and signed into legislation as Act 16. This law changed the offense of murder against a firefighter to Aggravated Murder, thus increasing the penalties. I find it troubling that now we are considering lessening the penalties for individuals who choose to assault responders. As I stated earlier, our members have been pushed to the brink during the Covid Pandemic and now hearing the proposal of lowering penalties against individuals that assault them does not bode well.

Having worked for the Hartford Fire Department for 30 years now, I have been on calls personally where the patient, for a variety of reasons, becomes irate and spits on both the fire/EMS personnel and the police who are assisting us. While I realize that there are many dangers associated with this occupation, we have fought hard to ensure that our members are protected and can go home safely at the end of their shift. Lessening a penalty against someone who wantonly and often times, knowingly, assaults a first responder either physically or with bodily fluids will only promote this behavior to continue. Furthermore, this sends the message to our members that our elected individuals are not looking out for their safety.

I would ask that you considering removing the current proposal and increasing the penalty for the repeat offenders. I am happy to provide more insight on this issue and the potential effects it will have on our members. Please feel free to contact at any time.

Respectfully,

Christopher Dube, President
Professional Firefighters of Vermont