

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 546  
3 entitled “An act relating to racial justice statistics” respectfully reports that it  
4 has considered the same and recommends that the bill be amended by striking  
5 out all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. 3 V.S.A. chapter 68 is amended to read:

7 CHAPTER 68. ~~EXECUTIVE DIRECTOR~~ OFFICE OF RACIAL EQUITY

8 Subchapter 1. Executive Director of Racial Equity

9 \* \* \*

10 § 5003. DUTIES OF EXECUTIVE DIRECTOR OF RACIAL EQUITY

11 \* \* \*

12 (e) The Director shall oversee the Division of Racial Justice Statistics  
13 (Division) established in subchapter 2 of this chapter.

14 (1) The Director shall have general charge of the Division and may  
15 appoint employees as necessary to carry out the purposes of this chapter.

16 (2) The Director may, in consultation with the Racial Justice Statistics  
17 Advisory Council, hire a deputy director to oversee the administration and  
18 operation of the Division.

19 (3) The Director may apply for grant funding, if available, to advance or  
20 support any responsibility within the Division’s jurisdiction.



1 decisions that work toward the amelioration of racial disparities across various  
2 systems of State government.

3 § 5012. DUTIES

4 (a) The Division shall have the following duties:

5 (1) Work collaboratively with, and have the assistance of, all State and  
6 local agencies and departments for purposes of collecting all data related to  
7 systemic racial bias and disparities within the criminal and juvenile justice  
8 systems.

9 (2) Collect and analyze the data related to systemic racial bias and  
10 disparities within the criminal and juvenile justice systems.

11 (3) Conduct justice information sharing gap analyses.

12 (4) Maintain an inventory of justice technology assets and a data  
13 dictionary to identify elements and structure of databases and relationships, if  
14 any, to other databases.

15 (5) Develop a justice technology strategic plan, which shall be updated  
16 annually. The justice technology strategic plan shall include identification and  
17 prioritization of data needs and requirements to fulfill new or emerging data  
18 research proposals or operational enhancements.

19 (6) Make recommendations for designing and implementing interfaces  
20 and other technology solutions to address the needs identified in the justice  
21 technology strategic plan.

1           (6) Develop interagency agreements and memorandums of  
2           understanding for data sharing and publish public use files.

3           (7) Report its data, analyses, and recommendations to the Racial Justice  
4           Statistics Advisory Council on a monthly basis.

5           **(b)(9)** On or before January 15, 2023, and annually thereafter, the Division  
6           shall report its data, analyses, and recommendations to the House and Senate  
7           Committees on Judiciary and on Government Operations.

8           ~~(b) To carry out its duties under this subchapter, the Division shall adopt~~  
9           ~~procedural and substantive rules in accordance with the provisions of 3 V.S.A.~~  
10           ~~chapter 25.~~

11           § 5013. DATA GOVERNANCE

12           (a) Data collection. In consultation with the Racial Disparities in the  
13           Criminal and Juvenile Justice Systems Advisory Panel and the Racial Justice  
14           Statistics Advisory Council, the Division shall establish, by rule, the data to be  
15           collected to carry out the duties of this subchapter.

16           (1) Data collected pursuant to this subchapter are not public records  
17           subject to Vermont's Public Records Law, 1 V.S.A. § 315 et seq, and data  
18           release shall be governed exclusively by data sharing agreements or  
19           memoranda of understanding or in the form of public use files. Any data or  
20           records transmitted to or obtained by the Division that are exempt from public  
21           inspection and copying under the Public Records Act shall remain exempt and

1 shall be kept confidential to the extent required by law. A State or local agency  
2 or department that transmits data or records to the Division shall be the sole  
3 records custodian for purposes of responding to requests for the data or  
4 records. The Division shall direct any request for these data or records to the  
5 transmitting agency or department for response.

6 (2) The Division shall be granted access to the data of any State agency  
7 or department it designates, by rule, as identify which State agencies or  
8 departments possess the data necessary for the Division to perform the  
9 requirements and objectives of this subchapter. An agency or department  
10 identified pursuant to this subdivision shall, upon request, provide the Division  
11 with any data that the Division [requests] [determines is relevant to its purpose  
12 under subsection 5011(b) of this title]. The Division may access the data of a  
13 non-State entity pursuant to a data sharing agreement or memorandum of  
14 understanding with the entity.

15 (3) The Division shall work with the Agency of Digital Services on the  
16 collection and retention of data, data governance, and data security issues and  
17 may contract with a third party vendor for the storage, management, and  
18 retention of the data if so recommended by the Agency of Digital Services.

19 The Division shall, pursuant to 3 V.S.A. § 218, establish, maintain, and  
20 implement an active and continuing management program for its records and  
21 information, including data, with support and services provided by the

1 Vermont State Archives and Records Administration pursuant to 3 V.S.A. §  
2 117 and the Agency of Digital Services pursuant to 3 V.S.A. § 3301.

3 ~~(4) The Division shall consult with the Racial Disparities in the Criminal~~  
4 ~~and Juvenile Justice Systems Advisory Panel and the Racial Justice Statistics~~  
5 ~~Advisory Council when establishing which data shall be collected pursuant to~~  
6 ~~this subchapter.~~

7 (b) Data analysis. The Division shall analyze the data collected pursuant to  
8 this subchapter in order to:

9 (1) identify the stages of the criminal and juvenile justice systems at  
10 which racial bias and disparities are most likely to occur;

11 (2) organize and synthesize the data in a cohesive and logical manner so  
12 that it can be best presented and understood; and

13 (3) present the data to the Racial Justice Statistics Advisory Council as  
14 required under this subchapter.

15 (c) Data governance policy. The Division shall develop and adopt a data  
16 governance policy and shall establish:

17 (1) a system or systems to standardize the collection and retention of the  
18 data collected pursuant to this subchapter; and

19 (2) methods to permit sharing and communication of the data between  
20 the State agencies, local agencies, and external researchers, including the use  
21 of data sharing agreements.

1        (d) Data retention. The Division shall recommend to State and local  
2        agencies evidence-based practices and standards for the collection and  
3        retention of racial justice data.

4        (e) Publicly available data.

5            (1) The Division shall maintain a public-facing website and dashboard  
6        that maximizes the transparency of the Division’s work and ensures the ability  
7        of the public and historically impacted communities to review and understand  
8        the data collected by the Division and its analyses.

9            (2) The Division shall develop public use data files.

10        § 5014. RACIAL JUSTICE STATISTICS ADVISORY COUNCIL

11        (a) Creation. The Racial Justice Statistics Advisory Council is established.  
12        The Council shall be organized and have the duties and responsibilities as  
13        provided in this section. The Council shall have the administrative, legal, and  
14        technical support of the Agency of Administration.

15        (b) Membership.

16            (1) Appointments. The Council shall consist of 18 20 members, as  
17        follows:

18            (A) two members of the General Assembly, one to be appointed by  
19        the Committee on Committees and one to be appointed by the Speaker of the  
20        House;

21            (B) the Chief Justice of the Supreme Court or designee;

1           (C) the Attorney General or designee;

2           (D) the Defender General or designee;

3           (E) the Executive Director of the Department of State’s Attorneys  
4 and Sheriffs or designee;

5           (F) the Commissioner of Public Safety or designee;

6           (G) the Commissioner for Children and Families or designee;

7           (H) the Commissioner of Corrections or designee;

8           (I) the Secretary of Education or designee;

9           (J) the Executive Director of the Human Rights Commission or  
10 designee;

11           (K) an individual with substantive expertise in community-based  
12 research on racial equity, to be appointed by the Governor;

13           (L) the Executive Director of the Center for Crime Victims Services  
14 or designee;

15           (M) a substance use disorder or mental health treatment provider  
16 appointed by the Secretary of Human Services; and

17           (N)(i) six individuals who have experienced one or more of the  
18 following situations:

19                   (I) facing eviction;

20                   (II) violence, discrimination, or criminal conduct, including law  
21 enforcement misconduct;



1                   (III) moving to Vermont as an immigrant or refugee;

2                   (IV) effects of racial disparities and discipline policies within  
3 the educational system; or

4                   (V) participation in treatment programs addressing mental  
5 health, substance abuse use disorder, and reentry programs. and

6                   (ii) Appointments made pursuant to this subdivision (N) shall be  
7 made by the following entities, each of which shall appoint one member:

8 NAACP, Vermont Racial Justice Alliance, Migrant Justice, AALV Inc.,

9 Vermont Commission on Native American Affairs, and Outright Vermont.

10                  (2) Qualifications. Members shall be drawn from diverse backgrounds  
11 to represent the interests of communities of color and other historically  
12 disadvantaged communities throughout the State and, to the extent possible,  
13 have experience working to implement racial justice reform and represent  
14 geographically diverse areas of the State.

15                  (3) Terms. The term of each member shall be four years. As terms of  
16 currently serving members expire, appointments of successors shall be in  
17 accord with the provisions of this section. Appointments of members to fill  
18 vacancies or expired terms shall be made by the authority that made the initial  
19 appointment to the vacated or expired term. Members shall serve until their  
20 successors are elected or appointed. Members shall serve not more than two  
21 consecutive terms in any capacity.

1           (4) Chair and terms. Members of the Council shall elect by majority  
2           vote the Chair of the Council. Members of the Council shall be appointed on  
3           or before November 1, 2022 in order to prepare as they deem necessary for the  
4           establishment of the Council, including the election of the Chair of the  
5           Council. Terms of members shall officially begin on January 1, 2023.

6           (c) Duties. The Council shall have the following duties and  
7           responsibilities:

8           (1) work with and assist the Director or designee to implement the  
9           requirements of this subchapter;

10           (2) advise the Director to ensure ongoing compliance with the purpose  
11           of this subchapter;

12           (3) evaluate the data and analyses received from the Division and make  
13           recommendations to the Division as a result of the evaluations; and

14           (4) on or before January 15, 2023 and annually thereafter, report to the  
15           House and Senate Committees on Judiciary and on Government Operations on:

16           (A) its findings regarding systemic racial bias and disparities within  
17           the criminal and juvenile justice systems based upon the data and analyses the  
18           Council receives from the Division pursuant to subdivision 5012(a)(8) of this  
19           subchapter; and

1           (B) a status report on progress made and recommendations for further  
2           action, including legislative proposals, to address systemic racial bias and  
3           disparities within the criminal and juvenile justice systems.

4           (d) Meetings. The Council shall meet monthly.

5           (e) Compensation. Each member of the Council shall be entitled to per  
6           diem compensation and reimbursement of expenses pursuant to 32 V.S.A.  
7           § 1010.

8           Sec. 2. RACIAL JUSTICE STATISTICS ADVISORY COUNCIL;

9                           IMPLEMENTATION

10           (a) First meeting. The first meeting of the Racial Justice Statistics  
11           Advisory Council shall be called by the Director of Racial Equity or designee.  
12           All subsequent meetings shall be called by the Chair.

13           (b) Staggered terms. Notwithstanding Sec. 1 of this act, the initial terms of  
14           the Council members beginning on January 1, 2023 shall be as follows:

15                   (1) Members appointed pursuant to 3 V.S.A. § 5014(b)(1) ~~(A)–(E)~~ (A)–  
16           (G) shall be appointed to a two-year term.

17                   (2) Members appointed pursuant to 3 V.S.A. § 5014(b)(1) ~~(F)–(K)~~ (H)–  
18           (M) shall be appointed to a three-year term.

19                   (3) Members appointed pursuant to 3 V.S.A. § 5014(b)(1) ~~(L)~~(N) shall  
20           be appointed to a four-year term.

21           Sec. 3. APPROPRIATION

1        In fiscal year 2023, \$539,960.00 is appropriated from the General Fund to  
2        the Office of Racial Equity for the Division of Racial Justice Statistics.

3        Sec. 4. EFFECTIVE DATE

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

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12        (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

14

Representative \_\_\_\_\_

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FOR THE COMMITTEE