

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 ~~(e)~~(f) The Director shall periodically report to the Racial Equity Advisory
2 Panel on the progress toward carrying out the duties as established by this
3 section.

4 ~~(f)~~(g) On or before January 15, 2020, and annually thereafter, the Director
5 shall report to the House and Senate Committees on Government Operations
6 demonstrating the State’s progress in identifying and remediating systemic
7 racial bias within State government.

8 * * *

9 Subchapter 2. Division of Racial Justice Statistics

10 § 5011. DIVISION OF RACIAL JUSTICE STATISTICS; CREATION;

11 PURPOSE

12 (a) Creation. There is created within the Office of Racial Equity the
13 Division of Racial Justice Statistics to collect and analyze data related to
14 systemic racial bias and disparities within the criminal and juvenile justice
15 systems.

16 (b) Purpose. The mission of the Division is to collect and analyze data
17 relating to racial disparities with the intent to center racial equity throughout
18 these efforts. The purpose of the Division is to create, promote, and advance a
19 system and structure that provides access to appropriate data and information,
20 ensuring that privacy interests are protected and principles of transparency and
21 accountability are clearly expressed. The data are to be used to inform policy

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) Develop interagency agreements and memorandums of
20 understanding for data sharing and publish public use files.

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

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

6 (c) To carry out its duties under this subchapter, the Division shall may
7 adopt procedural and substantive rules in accordance with the provisions of
8 chapter 25 of this title.

9 § 5013. DATA GOVERNANCE

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

14 (1) Any data or records transmitted to or obtained by the Division that
15 are exempt from public inspection and copying under the Public Records Act
16 shall remain exempt and shall be kept confidential to the extent required by
17 law. A State or local agency or department that transmits data or records to the
18 Division shall be the sole records custodian for purposes of responding to
19 requests for the data or records. The Division shall may direct any request for
20 these data or records to the transmitting agency or department for response.

1 (2) The Division shall identify which State agencies or departments
2 possess the data necessary for the Division to perform the requirements and
3 objectives of this subchapter. An agency or department identified pursuant to
4 this subdivision shall, upon request, provide the Division with any data that the
5 Division determines is relevant to its purpose under subsection 5011(b) of this
6 title, provided that the Office of the Defender General shall not be required to
7 make any disclosures that would violate 1 V.S.A. § 317(c)(3). The Division
8 may access the data of a non-State entity pursuant to a data sharing agreement
9 or memorandum of understanding with the entity.

10 (3) The Division shall, pursuant to section 218 of this title, establish,
11 maintain, and implement an active and continuing management program for its
12 records and information, including data, with support and services provided by
13 the Vermont State Archives and Records Administration pursuant to section
14 117 of this title and the Agency of Digital Services pursuant to section 3301 of
15 this title.

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

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

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

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

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

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

7 (2) methods to permit sharing and communication of the data between
8 the State agencies, local agencies, and external researchers, including the use
9 of data sharing agreements.

10 (d) Data ~~retention~~ collection. The Division shall recommend to State and
11 local agencies evidence-based practices and standards for the collection ~~and~~
12 ~~retention~~ of racial justice data.

13 (e) Publicly available data.

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

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

19 § 5014. RACIAL JUSTICE STATISTICS ADVISORY COUNCIL

20 (a) Creation. The Racial Justice Statistics Advisory Council is established.

21 The Council shall be organized and have the duties and responsibilities as

1 provided in this section. The Council shall have the administrative, legal, and
2 technical support of the Agency of Administration.

3 (b) Membership.

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

5 (A) two members of the General Assembly, one to be appointed by
6 the Committee on Committees and one to be appointed by the Speaker of the
7 House;

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

9 (C) the Attorney General or designee;

10 (D) the Defender General or designee;

11 (E) the Executive Director of the Department of State's Attorneys
12 and Sheriffs or designee;

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

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

15 (H) the Commissioner of Corrections or designee;

16 (I) the Secretary of Education or designee;

17 (J) the Executive Director of the Human Rights Commission or
18 designee;

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

1 (L) the Executive Director of the Center for Crime Victims Services
2 or designee;

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

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

7 (I) facing eviction;

8 (II) violence, discrimination, or criminal conduct, including law
9 enforcement misconduct;

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

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

13 (V) participation in treatment programs addressing mental
14 health, substance use disorder, and reentry programs; and

15 (ii) appointments made pursuant to this subdivision (N) shall be
16 made by the following entities, each of which shall appoint one member:

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

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

19 (2) Qualifications. Members shall be drawn from diverse backgrounds
20 to represent the interests of communities of color and other historically
21 disadvantaged communities throughout the State and, to the extent possible,

1 have experience working to implement racial justice reform and represent
2 geographically diverse areas of the State.

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

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

15 (c) Duties. The Council shall have the following duties and
16 responsibilities:

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

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

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

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

5 (A) its findings regarding systemic racial bias and disparities within
6 the criminal and juvenile justice systems based upon the data and analyses the
7 Council receives from the Division pursuant to subdivision 5012(a)(7) of this
8 subchapter; and

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

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

13 (e) Compensation. Each member of the Council shall be entitled to per
14 diem compensation and reimbursement of expenses pursuant to 32 V.S.A.
15 § 1010.

16 Sec. 2. RACIAL JUSTICE STATISTICS ADVISORY COUNCIL;

17 IMPLEMENTATION

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

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

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

5 (2) Members appointed pursuant to 3 V.S.A. § 5014(b)(1)(H)–(M) shall
6 be appointed to a three-year term.

7 (3) Members appointed pursuant to 3 V.S.A. § 5014(b)(1)(N) shall be
8 appointed to a four-year term.

9 **Sec. 3. BUREAU OF RACIAL JUSTICE STATISTICS; POSITIONS**

10 The following new positions are created in the Division of Racial Justice
11 Statistics:

12 (1) one full-time, exempt Deputy Director of the Bureau, who shall be
13 an Information Technology Data Analyst; and

14 (2) four full-time, exempt Information Technology Data Analysts, at a
15 level to be determined by the Division.

16 **Sec. 4. APPROPRIATION**

17 In fiscal year 2023, \$960,000.00 is appropriated from the General Fund to
18 the Office of Racial Equity for the Division of Racial Justice Statistics.

19 **Sec. 5. EFFECTIVE DATE**

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

1 (Committee vote: _____)

2

3

Representative _____

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FOR THE COMMITTEE