

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 apply for grant funding, if available, to advance or
17 support any responsibility within the Division’s jurisdiction.

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

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

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

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

8 (3) Conduct justice information sharing gap analyses.

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

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

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

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

20 (b) On or before January 15, 2023, and annually thereafter, the Division
21 shall report its data, analyses, and recommendations to the House and Senate

1 Committees on Judiciary and on Government Operations. The report may
2 include an operational assessment of the Division’s structure and staffing
3 levels, and any recommendations for necessary adjustments.

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

7 § 5013. DATA GOVERNANCE

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

12 (1) Any data or records transmitted to or obtained by the Division that
13 are exempt from public inspection and copying under the Public Records Act
14 shall remain exempt and shall be kept confidential to the extent required by
15 law. A State or local agency or department that transmits data or records to the
16 Division shall be the sole records custodian for purposes of responding to
17 requests for the data or records. The Division may direct any request for these
18 data or records to the transmitting agency or department for response, provided
19 that the Division shall respond to a Public Records Act request for
20 nonidentifying data used by the Division for preparation of the reports required
21 by subdivision 5012(a)(7) and subsection 5012(b) of this title.

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 collection. The Division shall recommend to State and local
11 agencies evidence-based practices and standards for the collection of racial
12 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 seven members, as
5 follows:

6 (A) an individual with substantive expertise in community-based
7 research on racial equity, to be appointed by the Governor; and

8 (B)(i) six individuals who have experience with or knowledge about
9 one or more of the following situations:

10 (I) facing eviction;

11 (II) violence, discrimination, or criminal conduct, including law
12 enforcement misconduct;

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

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

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

18 (ii) appointments made pursuant to this subdivision (B) shall be
19 made by the following entities, each of which shall appoint one member:

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

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

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

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

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

18 (c) Liaisons. The following entities shall each make available a person to
19 serve as a liaison with the Council for purposes of providing consultation as
20 needed:

21 (1) the Supreme Court;

- 1 (2) the Office of the Attorney General;
- 2 (3) the Office of the Defender General;
- 3 (4) the Department of State’s Attorneys and Sheriffs;
- 4 (5) the Department of Public Safety;
- 5 (6) the Department for Children and Families;
- 6 (7) the Department of Corrections;
- 7 (8) the Agency of Education;
- 8 (9) the Human Rights Commission; and
- 9 (10) the Center for Crime Victims Services.

10 (d) Duties. The Council shall have the following duties and
11 responsibilities:

- 12 (1) work with and assist the Director or designee to implement the
13 requirements of this subchapter;
- 14 (2) advise the Director to ensure ongoing compliance with the purpose
15 of this subchapter;
- 16 (3) evaluate the data and analyses received from the Division and make
17 recommendations to the Division as a result of the evaluations; and
- 18 (4) on or before January 15, 2023 and annually thereafter, report to the
19 House and Senate Committees on Judiciary and on Government Operations on:
20 (A) its findings regarding systemic racial bias and disparities within
21 the criminal and juvenile justice systems based upon the data and analyses the

1 Council receives from the Division pursuant to subdivision 5012(a)(7) of this
2 subchapter; and

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

6 (e) Meetings. The Council shall meet monthly.

7 (f) Compensation. Each member of the Council shall be entitled to per
8 diem compensation and reimbursement of expenses pursuant to 32 V.S.A.
9 § 1010.

10 (g) This section shall be repealed on June 30, 2027.

11 Sec. 2. RACIAL JUSTICE STATISTICS ADVISORY COUNCIL;

12 IMPLEMENTATION

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

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

18 (1) Members appointed pursuant to 3 V.S.A. § 5014(b)(1)(A) and
19 (b)(1)(B)(i)(I) shall be appointed to a two-year term.

20 (2) Members appointed pursuant to 3 V.S.A. § 5014(b)(1)(B)(i)(II) and
21 (III) shall be appointed to a three-year term.

1 (3) Members appointed pursuant to 3 V.S.A. § 5014(b)(1)(B)(i)(IV) and
2 (V) shall be appointed to a four-year term.

3 Sec. 3. DIVISION OF RACIAL JUSTICE STATISTICS; POSITIONS

4 The following new positions are created in the Division of Racial Justice
5 Statistics:

6 (1) one full-time, exempt Division lead, who shall be an Information
7 Technology Data Analyst; and

8 (2) two full-time, exempt Information Technology Data Analysts, at a
9 level to be determined by the Division.

10 Sec. 4. APPROPRIATION

11 The following appropriations shall be made in fiscal year 2023:

12 (1) \$363,000.00 from the General Fund to the Office of Racial Equity for
13 the Division of Racial Justice Statistics.

14 (2) \$3,360.00 from the General Fund to the Office of Racial Equity for
15 per diem compensation and reimbursement of expenses under 32 V.S.A.
16 § 1010 for members of the Racial Justice Statistics Advisory Council
17 established by 13 V.S.A. § 5014.

18 (3) \$520,300.00 from the General Fund to the Agency of Digital
19 Services to assist and support the Division of Racial Justice Statistics in the
20 Office of Racial Equity.

21 Sec. 5. EFFECTIVE DATE

