

1 TO THE HONORABLE SENATE:

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 Senate propose to the House  
5 that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

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

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

9 Subchapter 1. Executive Director of Racial Equity

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11 § 5003. DUTIES OF EXECUTIVE DIRECTOR OF RACIAL EQUITY

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

15 (1) The Director shall have general charge of the Division.

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 and the Racial Disparities in the Criminal and Juvenile Justice Systems  
20 Advisory Panel on the progress toward carrying out the duties as established  
21 by this section.



1     § 5012. DUTIES

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

3                     (1) Work collaboratively with, and have the assistance of, all State and  
4                     local agencies and departments identified pursuant to subdivision 5013(a)(2) of  
5                     this title for purposes of collecting all data related to systemic racial bias and  
6                     disparities within the criminal and juvenile justice systems.

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

9                     (3) Conduct justice information sharing gap analyses.

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

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

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

19                    (7) Report its data, analyses, and recommendations to the Racial Justice  
20                    Statistics Advisory Council and the Racial Disparities in the Criminal and  
21                    Juvenile Justice Systems Advisory Panel on a monthly basis.

1        (b) On or before January 15, 2023 and annually thereafter, the Division  
2        shall report its data, analyses, and recommendations to the House and Senate  
3        Committees on Judiciary and on Government Operations. The report may  
4        include an operational assessment of the Division’s structure and staffing  
5        levels and any recommendations for necessary adjustments.

6        (c) To carry out its duties under this subchapter, the Division may adopt  
7        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 may direct any request for these  
20       data or records to the transmitting agency or department for response, provided  
21       that the Division shall respond to a Public Records Act request for

1 nonidentifying data used by the Division for preparation of the reports required  
2 by subdivision 5012(a)(7) and subsection 5012(b) of this title.

3 (2) The Division shall identify which State and local agencies or  
4 departments possess the data necessary for the Division to perform the  
5 requirements and objectives of this subchapter. An agency or department  
6 identified pursuant to this subdivision shall, upon request, provide the Division  
7 with any data that the Division determines is relevant to its purpose under  
8 subsection 5011(b) of this title, provided that the Office of the Defender  
9 General shall not be required to make any disclosures that would violate  
10 1 V.S.A. § 317(c)(3). The Division may identify non-State entities that  
11 possess the data necessary for the Division to perform the requirements and  
12 objectives of this subchapter and have access to the data of an identified entity  
13 pursuant to a data sharing agreement or memorandum of understanding.

14 (3) The Division shall, pursuant to section 218 of this title, establish,  
15 maintain, and implement an active and continuing management program for its  
16 records and information, including data, with support and services provided by  
17 the Vermont State Archives and Records Administration pursuant to section  
18 117 of this title and the Agency of Digital Services pursuant to section 3301 of  
19 this title.

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

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

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

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

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

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

11          (2) methods to permit sharing and communication of the data between  
12          the State agencies, local agencies, and external researchers, including the use  
13          of data sharing agreements.

14          (d) Data collection. The Division shall recommend to State and local  
15          agencies evidence-based practices and standards for the collection of racial  
16          justice data.

17          (e) Publicly available data.

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

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

2           § 5014. RACIAL JUSTICE STATISTICS ADVISORY COUNCIL

3           (a) Creation. The Racial Justice Statistics Advisory Council is established  
4           within the Office of Racial Equity to serve in an advisory capacity to the  
5           Division of Racial Justice Statistics. The Council shall be organized and have  
6           the duties and responsibilities as provided in this section. The Council shall  
7           have the administrative, legal, and technical support of the Agency of  
8           Administration.

9           (b) Membership.

10           (1) Appointments. The Council shall consist of seven members, as  
11           follows:

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

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

16                           (I) facing eviction;

17                           (II) violence, discrimination, or criminal conduct, including law  
18           enforcement misconduct;

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

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

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

3                   (ii) appointments made pursuant to this subdivision (B) shall be  
4                   made by the following entities, each of which shall appoint one member:  
5                   NAACP, Vermont Racial Justice Alliance, Migrant Justice, AALV Inc.,  
6                   Vermont Commission on Native American Affairs, and Outright Vermont.

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

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

19                  (4) Chair and terms. Members of the Council shall elect by majority  
20                  vote the Chair of the Council. Members of the Council shall be appointed on  
21                  or before November 1, 2022 in order to prepare as they deem necessary for the

1 establishment of the Council, including the election of the Chair of the  
2 Council. Terms of members shall officially begin on January 1, 2023.

3 (c) Duties. The Council shall have the following duties and  
4 responsibilities:

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

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

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

11 (4) report monthly to on its findings and recommendations regarding the  
12 work of the Division to the Racial Disparities in the Criminal and Juvenile  
13 Justice Systems Advisory Panel; and

14 (5) 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)(7) 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           (f) This section shall be repealed on June 30, 2027.

9           Sec. 2. RACIAL JUSTICE STATISTICS ADVISORY COUNCIL;

10                   IMPLEMENTATION

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

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

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

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

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

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

2           The following new positions are created in the Division of Racial Justice  
3       Statistics:

4           (1) one full-time, exempt Division leader, who shall be an Information  
5       Technology Data Analyst; and

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

8       Sec. 4. APPROPRIATION

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

10          (1) \$363,000.00 from the General Fund to the Office of Racial Equity  
11       for the Division of Racial Justice Statistics;

12          (2) \$3,360.00 from the General Fund to the Office of Racial Equity for  
13       per diem compensation and reimbursement of expenses under 32 V.S.A.  
14       § 1010 for members of the Racial Justice Statistics Advisory Council  
15       established by 3 V.S.A. § 5014; and

16          (3) \$520,300.00 from the General Fund to the Agency of Digital  
17       Services to assist and support the Division of Racial Justice Statistics in the  
18       Office of Racial Equity.

19       Sec. 5. EFFECTIVE DATE

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

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1 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE