

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 140
3 entitled “An act relating to prohibiting civil arrests at courthouses” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. 12 V.S.A. § 3701 is added to read:

8 § 3701. PROHIBITION ON CIVIL ARREST AT COURTHOUSES

9 (a) Prohibition. Any person or family or household member of the person
10 who is attending a court proceeding in good faith as a party, juror, attorney, or
11 witness shall be privileged from civil arrest while traveling to, entering,
12 remaining at, or returning from the court proceeding.

13 (b) Exceptions. Subsection (a) of this section shall not apply to:

14 (1) an arrest pursuant to a judicially issued warrant or a court order;

15 (2) an arrest for contempt of the court where the proceeding is
16 occurring; or

17 (3) an arrest to maintain order or safety in the court where the
18 proceeding is occurring.

19 (c) ~~Penalties.~~ Remedies.

20 (1) A person who violates this section by executing or assisting with an
21 arrest prohibited by subsection (a) of this section shall be subject to civil

1 contempt proceedings pursuant to 12 V.S.A. chapter 5 and may be liable in a
2 civil action for false imprisonment in an action brought under subsection (d) of
3 this section.

4 (d) Private right of action.

5 (2) A person who is arrested in violation of subsection (a) of this section
6 may bring a civil action in the Civil Division of the Superior Court against the
7 violator for damages, injunctive, equitable, or declaratory relief, punitive
8 damages in the case of a willful violation, and reasonable costs and attorney's
9 fees.

10 (3) The Office of the Attorney General may bring a civil action under
11 subdivision (1) of this subsection on behalf of the State of Vermont for
12 appropriate injunctive, equitable, or declaratory relief if there is reasonable
13 cause to believe that a violation of subsection (a) of this section has occurred
14 or will occur.

15 (4) No action under this subsection shall be brought against the
16 Judiciary or any of its members or employees for actions taken to maintain
17 order or safety in the courts.

18 (e) Definitions. As used in this section:

19 (1) "Civil arrest" means an arrest for purposes of obtaining a person's
20 presence or attendance at a civil proceeding, including an immigration
21 proceeding.

1 (2) “Household member” has the same meaning as in 15 V.S.A. § 1101.

2 Sec. 2. EFFECTIVE DATE

3 This act shall take effect on passage.

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10 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE