

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 ARRESTS 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) Remedies.

20 (1) A person who violates this section by knowingly and willfully  
21 executing or assisting with an arrest prohibited by subsection (a) of this section

1 shall be subject to civil contempt proceedings pursuant to chapter 5 of this title  
2 and may be liable in a civil action for false imprisonment.

3 (2) A person who is arrested in violation of subsection (a) of this section  
4 may bring a civil action against the violator for damages; injunctive, equitable,  
5 or declaratory relief; punitive damages in the case of a willful violation; and  
6 reasonable costs and attorney’s fees.

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

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

14 (d) Definitions. As used in this section:

15 (1) “Civil arrest” means an arrest for purposes of obtaining a person’s  
16 presence or attendance at a civil proceeding, including an immigration  
17 proceeding.

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

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on passage.

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3 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE