

1 H.249

2 Introduced by Representative LaLonde of South Burlington

3 Referred to Committee on

4 Date:

5 Subject: Crimes; law enforcement immunity; rioters

6 Statement of purpose of bill as introduced: This bill proposes to remove
7 immunity and subject law enforcement officers and those acting at the request
8 or direction of an officer to civil or criminal liability if they do not abide by the
9 standards for law enforcement use of force in dispersing or apprehending
10 rioters. This bill also defines “officer” for clarity.

11 An act relating to the scope of liability in dispersing or apprehending rioters

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 13 V.S.A. chapter 19, subchapter 1 is amended to read:

14 Subchapter 1. Riots

15 * * *

16 § 901a. DEFINITION

17 As used in this subchapter, “officer” means a member of the Department of
18 Public Safety who exercises law enforcement powers; a member of the State
19 Police; a Capitol Police Officer; a municipal police officer; a constable who
20 exercises law enforcement powers; a sheriff; a deputy sheriff who exercises

1 law enforcement powers; a railroad police officer commissioned pursuant to 5
2 V.S.A. chapter 68, subchapter 8; a police officer appointed to the University of
3 Vermont's Department of Police Services; or the provost marshal or assistant
4 provost marshal of the Vermont National Guard.

5 * * *

6 § 904. OFFICER KILLING RESISTING RIOTER, ~~NOT LIABLE~~; SCOPE
7 OF LIABILITY

8 (a) ~~Officers~~ An officer, and persons ~~assisting them~~ acting at the request or
9 direction of an officer, in lawfully dispersing or apprehending ~~such~~ rioters,
10 shall not be liable in a civil or criminal proceeding if a rioter, by reason of ~~his~~
11 ~~or her~~ the rioter's resistance, is killed or injured.

12 (b) In lawfully dispersing or apprehending rioters, officers and persons
13 acting at the request or direction of an officer shall abide by the standards for
14 law enforcement use of force pursuant to 20 V.S.A. § 2368.

15 (c) Notwithstanding subsection (a) of this section, a failure to abide by the
16 standards for law enforcement use of force pursuant to 20 V.S.A. § 2368 shall
17 subject an officer or a person acting at the request or direction of an officer to
18 civil or criminal liability.

19 * * *

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2023.