

1 S.36

2 An act relating to crimes against health care workers at hospitals and  
3 against emergency medical treatment providers

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

5 Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to  
6 read:

7 Rule 3. Arrest Without a Warrant; Citation to Appear

8 \* \* \*

9 (c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause  
10 to believe a person has committed or is committing a misdemeanor outside the  
11 presence of the officer, the officer may issue a citation to appear before a  
12 judicial officer in lieu of arrest. The officer may arrest the person without a  
13 warrant if the officer has probable cause to believe:

14 \* \* \*

15 (8) The person has committed a misdemeanor which involves an assault  
16 against a family member, or against a household member, as defined in 15  
17 V.S.A. § 1101(2), or a child of such a family or household member.

18 \* \* \*

19 (14) The person has violated 13 V.S.A. § 1023 (simple assault).

20 \* \* \*

21 (18) The person has committed a misdemeanor that involves an assault

22 against:



1 (1) threaten another person or a group of particular persons; and

2 (2) as a result of the threat, place the other person in reasonable  
3 apprehension of death, serious bodily injury, or sexual assault to the other  
4 person, a person in the group of particular persons, or any other person.

5 (b) A person who violates subsection (a) of this section shall be imprisoned  
6 not more than one year or fined not more than \$1,000.00, or both.

7 \* \* \*

8 (f) A person who violates subsection (a) of this section with the intent to  
9 terrify, intimidate, or unlawfully influence the conduct of a candidate for  
10 public office, a public servant, an election official, or a public employee in any  
11 decision, opinion, recommendation, vote, or other exercise of discretion taken  
12 in capacity as a candidate for public office, a public servant, an election  
13 official, or a public employee, or with the intent to retaliate against a candidate  
14 for public office, a public servant, an election official, or a public employee for  
15 any previous action taken in capacity as a candidate for public office, a public  
16 servant, an election official, or a public employee, shall be imprisoned not  
17 more than two years or fined not more than \$2,000.00, or both.

18 (g) A person who violates subsection (a) of this section with the intent to  
19 terrify or intimidate a health care worker or an emergency medical personnel  
20 member because of the worker's or member's action or inaction taken in the

1 provision of health care services shall be imprisoned not more than two years  
2 or fined not more than \$2,000.00, or both.

3 (h) As used in this section:

4 (1) “Serious bodily injury” has the same meaning as in section 1021 of  
5 this title.

6 (2) “Threat” and “threaten” do not include constitutionally protected  
7 activity.

8 (3) “Candidate” has the same meaning as in 17 V.S.A. § 2103.

9 (4) “Election official” has the same meaning as in 17 V.S.A. § 2455.

10 (5) “Public employee” means a classified employee within the  
11 Legislative, Executive, or Judicial Branch of the State and any of its political  
12 subdivisions and any employee within a county or local government and any of  
13 the county’s or local government’s political subdivisions.

14 (6) “Public servant” has the same meaning as in 17 V.S.A. § 2103.

15 (7) “Polling place” has the same meaning as described in 17 V.S.A.  
16 chapter 51, subchapter 4.

17 (8) “Sexual assault” has the same meaning as sexual assault as described  
18 in section 3252 of this title.

19 (9) “Emergency medical personnel” has the same meaning as in 24  
20 V.S.A. § 2651(6).

1           (10) “Health care services” means services for the diagnosis, prevention,  
2           treatment, cure, or relief of a health condition, illness, injury, or disease.

3           (11) “Health care worker” has the same meaning as in section 1028 of  
4           this title.

5           ~~(h)~~(i) Any person charged under this section who is younger than the age  
6 identified in 33 V.S.A. § 5201(d) shall be subject to a juvenile proceeding.

7           Sec. 3. 18 V.S.A. § 1883 is added to read:

8           § 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION

9                   REQUIRED

10           (a) When a law enforcement officer responds to an alleged crime  
11           committed by a patient at a hospital:

12                   (1) an authorized representative of the hospital shall disclose to the law  
13                   enforcement officer the following information before the officer removes the  
14                   patient from the hospital:

15                           (A) information that is sufficient to confirm whether the patient is  
16                           stabilized, has been evaluated, or is awaiting inpatient care; and

17                           (B) any other information that will be necessary for purposes of  
18                           safely taking custody of the patient; and

19                   (2) the law enforcement officer shall not remove the patient from the  
20           hospital if an authorized representative of the hospital informs the officer that

1 the patient is not stabilized, has not yet been evaluated, or is awaiting inpatient  
2 care.

3 (b) When a law enforcement officer responds to an alleged crime  
4 committed by a patient at a scene where emergency medical treatment was or  
5 is being provided:

6 (1) a member of the emergency medical personnel who provided the  
7 treatment shall disclose to the law enforcement officer the following  
8 information before the officer removes the patient from the emergency medical  
9 treatment scene:

10 (A) information that is sufficient to confirm whether the patient is  
11 stabilized, has been evaluated, or is awaiting transport for health care; and

12 (B) any other information that will be necessary for purposes of  
13 safely taking custody of the patient; and

14 (2) the law enforcement officer shall not remove the patient from the  
15 emergency medical treatment scene if a member of the emergency medical  
16 personnel who provided the treatment informs the officer that the patient is not  
17 stabilized, has not yet been evaluated, or is awaiting transport for health care.

18 (c) As used in this section:

19 (1) "Emergency medical personnel" has the same meaning as in 24  
20 V.S.A. § 2651(6).

1           (2) “Emergency medical treatment” has the same meaning as in 24  
2           V.S.A. § 2651(9).

3           (3) “Hospital” has the same meaning as in subdivision 1902(1) of this  
4           title.

5           (4) “Stabilized” means that no material deterioration of the patient’s  
6           medical condition is likely, within reasonable medical probability, to result  
7           from or occur during the transport of the patient from the hospital or the  
8           emergency medical treatment scene.

9           Sec. 4. REPORT ON DE-ESCALATION

10           On or before January 15, 2024, the Vermont Program for Quality in Health  
11           Care, in consultation with stakeholders, including hospital employee  
12           stakeholders, shall provide a report to the Senate Committee on Health and  
13           Welfare and the House Committee on Health Care regarding adequate training,  
14           including de-escalation of potentially violent situations in hospitals, sufficient  
15           staffing levels, ongoing assessment of visitors and patients for aggressive  
16           behavior, indicators to adapt care interventions and environments  
17           appropriately, centralized reporting, and factors related to physical  
18           environments. With a health equity impact informed lens, the report shall  
19           include best practices, barriers to best practices, and recommendations for  
20           appropriate policy improvements.

1       Sec. 5. DEPARTMENT OF PUBLIC SAFETY REPORT ON ARRESTS  
2                WITHOUT WARRANT

3                On or before January 15, 2024, the Department of Public Safety shall report  
4       to the House and Senate Committees on Judiciary on any systemic or statutory  
5       changes needed to permit the Department to collect data on responses and  
6       arrests pursuant to Vermont Rules of Criminal Procedure 3(c)(18), (19), and  
7       (20). The report shall include changes necessary to collect data on the number  
8       and demographics of persons arrested; the town, county, and type of health  
9       care facility where the arrest occurred; and the number and types of charges  
10       filed after the arrest.

11       Sec. 6. EFFECTIVE DATE

12                This act shall take effect on passage.