

1 S.36

2 An act relating to permitting an arrest without a warrant for assaults and
3 threats against health care workers and disorderly conduct at health care
4 facilities

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

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

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

9 * * *

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

15 * * *

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

19 * * *

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

21 * * *

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

11 (g) A person who violates subsection (a) of this section with the intent to
12 terrify or intimidate a health care worker because of the worker's previous
13 action or inaction taken in the provision of health care services shall be
14 imprisoned not more than two years or fined not more than \$2,000.00, or both.

15 (h) As used in this section:

16 (1) "Serious bodily injury" has the same meaning as in section 1021 of
17 this title.

18 (2) "Threat" and "threaten" do not include constitutionally protected
19 activity.

20 (3) "Candidate" has the same meaning as in 17 V.S.A. § 2103.

21 (4) "Election official" has the same meaning as in 17 V.S.A. § 2455.

1 (5) “Public employee” means a classified employee within the
2 Legislative, Executive, or Judicial Branch of the State and any of its political
3 subdivisions and any employee within a county or local government and any of
4 the county’s or local government’s political subdivisions.

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

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

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

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

12 (10) “Health care worker” has the same meaning as in section 1028 of
13 this title.

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

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

17 § 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION

18 REQUIRED

19 When an authorized representative of a health care facility that operates as a
20 covered entity requests that a law enforcement officer respond to and
21 potentially arrest a patient for an alleged crime committed on the premises, the

1 facility shall disclose to the law enforcement officer information that is
2 sufficient to confirm whether the patient is medically cleared so that the patient
3 may be removed from the facility and shall disclose any other information that
4 will be necessary for purposes of safely taking custody of the patient.

5 Sec. 4. REPORT ON DE-ESCALATION

6 On or before January 15, 2024, the Vermont Program for Quality in Health
7 Care, in consultation with stakeholders, shall provide a report to the Senate
8 Committee on Health and Welfare and the House Committee on Health Care
9 regarding de-escalation of potentially violent situations in health care facilities.
10 With a health equity impact informed lens, the report shall include best
11 practices for de-escalation, the types of de-escalation practices currently in use,
12 barriers to training, and recommendations for appropriate policy
13 improvements.

14 Sec. 5. EFFECTIVE DATE

15 This act shall take effect on passage.