

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 36  
3 entitled “An act relating to permitting an arrest without a warrant for assaults  
4 and threats against health care workers and disorderly conduct at health care  
5 facilities” respectfully reports that it has considered the same and recommends  
6 that the House propose to the Senate that the bill be amended by striking out all  
7 after the enacting clause and inserting in lieu thereof the following:

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

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

11 \* \* \*

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

17 \* \* \*

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

21 \* \* \*

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

2 \* \* \*

3 (18) The person has committed a misdemeanor that involves an assault  
4 against:

5 (A) a health care worker in a health care facility hospital as those  
6 terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or

7 (B) a person providing emergency medical treatment as defined in 24  
8 V.S.A. § 2651(9).

9 (19) The person has violated 13 V.S.A. § 1702 (criminal threatening)  
10 against:

11 (A) a health care worker in a health care facility hospital as those  
12 terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or

13 (B) a person providing emergency medical treatment as defined in 24  
14 V.S.A. § 2651(9).

15 (20) The person has committed a violation of 13 V.S.A. § 1026(a)(1)  
16 (disorderly conduct for engaging in fighting or in violent, tumultuous, or  
17 threatening behavior) that interfered with the provision of medically necessary  
18 health care services:

19 (A) in a health care facility hospital as defined in 18 V.S.A.  
20 § 1902(1) ; or

1                    (B) by a person providing emergency medical treatment as defined in 24  
2                    V.S.A. § 2651(9).

3                    Sec. 2. 13 V.S.A. § 1702 is added to read:

4                    § 1702. CRIMINAL THREATENING

5                    (a) A person shall not by words or conduct knowingly:

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

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

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

12   \* \* \*

13                   (f) A person who violates subsection (a) of this section with the intent to  
14                   terrify, intimidate, or unlawfully influence the conduct of a candidate for  
15                   public office, a public servant, an election official, or a public employee in any  
16                   decision, opinion, recommendation, vote, or other exercise of discretion taken  
17                   in capacity as a candidate for public office, a public servant, an election  
18                   official, or a public employee, or with the intent to retaliate against a candidate  
19                   for public office, a public servant, an election official, or a public employee for  
20                   any previous action taken in capacity as a candidate for public office, a public

1 servant, an election official, or a public employee, shall be imprisoned not  
2 more than two years or fined not more than \$2,000.00, or both.

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

7 (h) As used in this section:

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

10 (2) “Threat” and “threaten” do not include constitutionally protected  
11 activity.

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

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

14 (5) “Public employee” means a classified employee within the  
15 Legislative, Executive, or Judicial Branch of the State and any of its political  
16 subdivisions and any employee within a county or local government and any of  
17 the county’s or local government’s political subdivisions.

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

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

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

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

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

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

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

10 § 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION

11 REQUIRED

12 (a) When an authorized representative of a health care facility that operates  
13 as a covered entity requests that a law enforcement officer respond to and  
14 potentially arrest a patient for an alleged crime committed on the premises;

15 (1) the facility shall disclose to the law enforcement officer information  
16 that is sufficient to confirm whether the patient is medically cleared stabilized  
17 so that the patient may be removed from the facility and shall disclose any  
18 other information that will be necessary for purposes of safely taking custody  
19 of the patient; and

20 (2) the law enforcement officer shall not remove the patient from the  
21 facility if a health care provider at the facility informs the officer that the

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

3 (b) As used in this section:

4 (1) “Stabilized” means, with respect to an emergency medical condition,  
5 that no material deterioration of the condition is likely, within reasonable  
6 medical probability, to result from or occur during the transfer of the individual  
7 from a health care facility

8 (2) “Emergency medical condition” means:

9 (A) a medical condition manifesting itself by acute symptoms of  
10 sufficient severity, including severe pain, such that the absence of immediate  
11 medical attention could reasonably be expected to result in:

12 (i) placing the health of the person in serious jeopardy;

13 (ii) serious impairment to bodily functions; or

14 (iii) serious dysfunction of any bodily organ or part.

15 Sec. 4. REPORT ON DE-ESCALATION

16 On or before January 15, 2024, the Vermont Program for Quality in Health  
17 Care, in consultation with stakeholders, including hospital employee  
18 stakeholders, shall provide a report to the Senate Committee on Health and  
19 Welfare and the House Committee on Health Care regarding adequate training,  
20 including de-escalation of potentially violent situations in health care facilities  
21 hospitals, sufficient staffing levels, ongoing assessment of visitors and patients

1 for aggressive behavior, indicators to adapt care interventions and  
2 environments appropriately, centralized reporting, and factors related to  
3 physical environments. With a health equity impact informed lens, the report  
4 shall include best practices for de-escalation, the types of de-escalation  
5 practices currently in use, barriers to training best practices, and  
6 recommendations for appropriate policy improvements.

7 **Sec. 5. DEPARTMENT OF PUBLIC SAFETY REPORT ON ARRESTS**  
8 **WITHOUT WARRANT**

9 On or before January 15, 2024, the Department of Public Safety shall report  
10 to the House and Senate Committees on Judiciary on arrests pursuant to  
11 Vermont Rule of Criminal Procedure 3(c)(18), (19) and (20) since the passage  
12 of this Act, including the number and demographics of persons arrested, the  
13 town and county where the arrest occurred, and the number and types of  
14 charges filed after the arrest.

15 **Sec. 6. EFFECTIVE DATE**

16 This act shall take effect on passage.

17  
18 (Committee vote: \_\_\_\_\_)

19 \_\_\_\_\_  
20 Representative \_\_\_\_\_  
21 FOR THE COMMITTEE