

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 hospital as those terms are defined in 13  
6 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 hospital as those terms are defined in 13  
12 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 or threatening  
17 behavior) that interfered with the provision of medically necessary health care  
18 services:

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

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

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

2 § 1702. CRIMINAL THREATENING

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

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

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

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

10 \* \* \*

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

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

5           (h) As used in this section:

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

8           (2) “Threat” and “threaten” do not include constitutionally protected  
9           activity.

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

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

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

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

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

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

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

3           (10) “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 an authorized representative of a health care facility that operates  
11           as a covered entity requests that a law enforcement officer responds to and  
12           potentially arrests a patient for an alleged crime committed on the premises at a  
13           hospital:

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

19           (2) the law enforcement officer shall not remove the patient from the  
20           facility hospital if a health care provider at an authorized representative of the

1 facility hospital informs the officer that the patient is not stabilized, has not yet  
2 been evaluated, or is awaiting transfer for inpatient care.

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

6 (1) a member of the emergency medical personnel who provided the  
7 treatment shall disclose to the law enforcement officer information that is  
8 sufficient to confirm whether the patient is stabilized so that the patient may be  
9 removed from the emergency medical treatment scene and shall disclose any  
10 other information that will be necessary for purposes of safely taking custody  
11 of the patient; and

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

16 (c) As used in this section:

17 (1) “Hospital” has the same meaning as in 18 V.S.A. § 1902(1).

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

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

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

5           (2) “Emergency medical condition” means:

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

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

10           (ii) serious impairment to bodily functions; or

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

12           Sec. 4. REPORT ON DE-ESCALATION

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

1 lens, the report shall include best practices, barriers to best practices, and  
2 recommendations for appropriate policy improvements.

3 Sec. 5. DEPARTMENT OF PUBLIC SAFETY REPORT ON ARRESTS  
4 WITHOUT WARRANT

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

11 Sec. 6. EFFECTIVE DATE

12 This act shall take effect on passage.

13

14 (Committee vote: \_\_\_\_\_)

15

\_\_\_\_\_

16

Representative \_\_\_\_\_

17

FOR THE COMMITTEE