

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 or an emergency medical personnel
3 member because of the worker's or member's previous action or inaction taken
4 in the provision of health care services shall be imprisoned not more than two
5 years or fined not more than \$2,000.00, or both.

6 (h) As used in this section:

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

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

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

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

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

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

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

20 (8) “Sexual assault” has the same meaning as sexual assault as described
21 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 (11) “Emergency medical personnel” has the same meaning as in 24
6 V.S.A. § 2651(6).

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 a law enforcement officer responds to and potentially arrests a
13 patient for an alleged crime committed by a patient at a hospital:

14 (1) an authorized representative of the hospital shall disclose to the law
15 enforcement officer the following information before the patient is removed
16 from the hospital:

17 (A) information that is sufficient to confirm whether the patient is
18 stabilized, has been evaluated, or is awaiting transfer for inpatient care so that
19 the patient may be removed from the hospital; and

20 (B) shall disclose any other information that will be necessary for
21 purposes of safely taking custody of the patient; and

1 (2) the law enforcement officer shall not remove the patient from the
2 hospital if an authorized representative of the hospital informs the officer that
3 the patient is not stabilized, has not yet been evaluated, or is awaiting transfer
4 for inpatient care.

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

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

12 (A) information that is sufficient to confirm whether the patient is
13 stabilized, has been evaluated, or is awaiting transfer for health care so that the
14 patient may be removed from the emergency medical treatment scene; and

15 (B) shall disclose any other information that will be necessary for
16 purposes of safely taking custody of the patient; and

17 (2) the law enforcement officer shall not remove the patient from the
18 emergency medical treatment scene if a member of the emergency medical
19 personnel who provided the treatment informs the officer that the patient is not
20 stabilized, has not yet been evaluated, or is awaiting transfer for inpatient
21 health care.

1 (c) As used in this section:

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

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

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

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

11 Sec. 4. REPORT ON DE-ESCALATION

12 On or before January 15, 2024, and annually on that date for five years
13 thereafter, the Vermont Program for Quality in Health Care, in consultation
14 with stakeholders, including hospital employee stakeholders, shall provide a
15 report to the Senate Committee on Health and Welfare and the House
16 Committee on Health Care regarding adequate training, including de-escalation
17 of potentially violent situations in hospitals, sufficient staffing levels, ongoing
18 assessment of visitors and patients for aggressive behavior, indicators to adapt
19 care interventions and environments appropriately, centralized reporting, and
20 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 On or before January 15, 2024, the Department of Public Safety shall report
12 to the House and Senate Committees on Judiciary on any systemic or statutory
13 changes needed to permit the Department to collect data on arrests pursuant to
14 Vermont Rule of Criminal Procedure 3(c)(18), (19) and (20). The report shall
15 include changes necessary to collect data on the number and demographics of
16 persons arrested, the town, county, and type of health care facility where the
17 arrest occurred, and the number and types of charges filed after the arrest.

18 Sec. 6. EFFECTIVE DATE

19 This act shall take effect on passage.
20

1 and that after passage the title of the bill be amended to read: “An act relating
2 to crimes against health care workers and emergency medical treatment
3 providers”

4

5 (Committee vote: _____)

6

7

Representative _____

8

FOR THE COMMITTEE