

1 S.36

2 Introduced by Senators Sears, Lyons, Champion, Chittenden, Collamore,

3 Gulick and Ingalls

4 Referred to Committee on

5 Date:

6 Subject: Criminal procedures; arrest without warrant; crimes against health

7 care workers at health facilities

8 Statement of purpose of bill as introduced: This bill proposes to permit a law  
9 enforcement officer to arrest a person without a warrant if the officer has  
10 probable cause to believe the person (1) assaulted or threatened a health care  
11 worker at a health care facility or (2) engaged in disorderly conduct that  
12 interfered with the provision of medically necessary health care services in a  
13 health care facility.

14 An act relating to permitting an arrest without a warrant for assaults and  
15 threats against health care workers and disorderly conduct at health care  
16 facilities

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

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

20 Rule 3. Arrest Without Warrant; Citation to Appear

21 \* \* \*

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

6 \* \* \*

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

10 \* \* \*

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

12 \* \* \*

13 (18) The person has committed a misdemeanor that involves an assault  
14 against a health care worker in a health care facility as those terms are defined  
15 in 13 V.S.A. § 1028(d).

16 (19) The person has violated 13 V.S.A. § 1702 (criminal threatening)  
17 against a health care worker in a health care facility as those terms are defined  
18 in 13 V.S.A. § 1028(d).

19 (20) The person has committed a violation of 13 V.S.A. § 1026  
20 (disorderly conduct) that interfered with the provision of medically necessary  
21 health care services in a health care facility as defined in 13 V.S.A. § 1028(d).

- 1      Sec. 2. EFFECTIVE DATE
- 2      This act shall take effect on passage.