

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 36 entitled “An act relating to permitting an arrest without a warrant for
4 assaults and threats against health care workers and disorderly conduct at
5 health care facilities” respectfully reports that it has considered the same and
6 recommends that the bill be amended by striking out all after the enacting
7 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 a health care worker in a health care facility as those terms are defined
5 in 13 V.S.A. § 1028(d).

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

9 (20) The person has committed a violation of 13 V.S.A. § 1026(a)(1)
10 (disorderly conduct for engaging in fighting or in violent, tumultuous, or
11 threatening behavior) that interfered with the provision of medically necessary
12 health care services in a health care facility as defined in 13 V.S.A. § 1028(d).

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

14 § 1702. CRIMINAL THREATENING

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

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

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

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

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

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

(g) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

19 § 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION

20 REQUIRED

1 When an authorized representative of a health care facility that operates as a
2 covered entity requests that a law enforcement officer respond to and
3 potentially arrest a patient for an alleged crime committed on the premises, the
4 facility shall disclose to the law enforcement officer information that is
5 sufficient to confirm whether the patient is medically cleared so that the patient
6 may be removed from the facility and shall disclose any other information that
7 will be necessary for purposes of safely taking custody of the patient.

8 **Sec. 4. REPORT ON DE-ESCALATION**

9 On or before January 15, 2024, the Vermont Association of Hospitals and
10 Health Systems, the Vermont Program for Quality in Health Care, and the
11 Vermont Medical Society, shall jointly provide a report to the Senate
12 Committee on Health and Welfare and the House Committees on Health and
13 On Human Services regarding de-escalation of potentially violent situations in
14 health care facilities. The report shall include best practices for de-escalation,
15 the types of de-escalation practices currently in use, barriers to training, and
16 resources needed for new or continued training.

17 On or before January 15, 2024, the Vermont Program for Quality in Health
18 Care in consultation with stakeholders, shall provide a report to the Senate
19 Committee on Health Welfare and the House Committee on Health Care
20 regarding de-escalation of potentially violent situations in health care facilities.
21 With a health equity impact informed lens, the report shall include best

1 practices for de-escalation, the types of de-escalation practices currently in use,
2 barriers to training, and recommendations for appropriate policy
3 improvements.

4 Sec. 5. EFFECTIVE DATE

5 This act shall take effect on passage.

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7 (Committee vote: _____)

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9

Senator _____

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FOR THE COMMITTEE