

1 TO THE HONORABLE SENATE:

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 bill be amended by striking out all after the enacting clause and
7 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
10 (disorderly conduct) that interfered with the provision of medically necessary
11 health care services in a health care facility as defined in 13 V.S.A. § 1028(d).

12 Sec. 2. 18 V.S.A. § 1883 is added to read:

13 § 1883. DISCLOSURE OF PROTECTED HEALTH INFORMATION

14 REQUIRED

15 When an authorized representative of a health care facility that operates as a
16 covered entity requests that a law enforcement officer respond to and
17 potentially arrest a patient for an alleged crime committed on the premises, the
18 facility shall disclose to the law enforcement officer information that is
19 sufficient to confirm whether the patient is medically cleared so that the patient
20 may be removed from the facility and shall disclose any other information that
21 will be necessary for purposes of safely taking custody of the patient.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.

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9 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE