

1 H.613

2 Introduced by Representatives Bos-Lun of Westminster, Berbeco of Winooski,  
3 Burrows of West Windsor, Carris Duncan of Whitingham, Cina  
4 of Burlington, Cole of Hartford, Dodge of Essex, Donahue of  
5 Northfield, Goldman of Rockingham, Headrick of Burlington,  
6 Howard of Rutland City, Logan of Burlington, McCann of  
7 Montpelier, McGill of Bridport, Mrowicki of Putney, Olson of  
8 Starksboro, Pezzo of Colchester, Pouech of Hinesburg, and  
9 Rachelson of Burlington

10 Referred to Committee on

11 Date:

12 Subject: Law enforcement; victims; mental health; ethics; training

13 Statement of purpose of bill as introduced: This bill proposes to treat victims  
14 of officer-involved shootings of an individual experiencing a mental health  
15 crisis as crime victims with greater access to victims' services and  
16 compensation. This bill further proposes to authorize the Center for Crime  
17 Victim Services to hire independent victim guardians to advocate for victims  
18 and coordinate with the Department of State's Attorneys and Sheriffs. This  
19 bill also proposes to mandate mental health crisis training as part of the  
20 Vermont Criminal Justice Council's law enforcement officer certification and  
21 training requirements. Finally, this bill proposes to incorporate mental health

1 crisis de-escalation techniques into the Vermont Criminal Justice Council's use  
2 of force policy.

3 An act relating to victims of officer-involved shootings of an individual  
4 experiencing a mental health crisis

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

6 Sec. 1. 13 V.S.A. § 5301 is amended to read:

7 § 5301. DEFINITIONS

8 As used in this chapter:

9 (1) "Disposition" means the sentencing or determination of penalty or  
10 punishment to be imposed upon a person convicted of a crime or against whom  
11 a finding of sufficient facts for conviction is made.

12 (2) "Family member" means a spouse, child, sibling, parent, next of kin,  
13 domestic partner, or legal guardian of a victim.

14 (3) "Restitution" means money or services that a court orders a  
15 defendant to pay or render to a victim as a part of the disposition.

16 (4) "Victim" means a person who sustains physical, emotional, or  
17 financial injury or death as a direct result of the commission or attempted  
18 commission of a crime, ~~or~~ act of delinquency, or officer-involved shooting of  
19 an individual experiencing a mental health crisis and ~~shall also include~~

1 includes the family members of a minor, a person who has been found to be  
2 incompetent, or a homicide victim.

3 (5) “Affected person” means any of the following persons who has  
4 requested notification in writing from the court or the Department of  
5 Corrections:

6 (A) witnesses;

7 (B) jurors;

8 (C) family members who are not covered by subdivision (4) of this  
9 section; or

10 (D) any other persons who demonstrate to the court that the release or  
11 escape of a defendant will constitute a threat of physical, emotional, or  
12 financial injury or death.

13 \* \* \*

14 (8) “Officer-involved shooting” means a law enforcement officer who  
15 discharges a firearm in the performance of the officer’s duties.

16 Sec. 2. 13 V.S.A. § 5351 is amended to read:

17 § 5351. DEFINITIONS

18 As used in this chapter:

19 (1) “Board” means the Victims Compensation Board established under  
20 this chapter.

1           (2) “Dependent” means the victim’s spouse, domestic partner, or a  
2           person who is legally dependent for support upon a victim. To qualify as a  
3           domestic partner, a couple shall share a residence for at least six months prior  
4           to applying, be 18 years of age or older, not be married to anyone, and not be  
5           related by blood closer than would bar marriage under State law.

6           (3) “Crime” includes delinquent acts and an act of terrorism, as defined  
7           in 18 U.S.C. § 2331, committed outside the United States against a resident of  
8           this State.

9           (4) “Injury” means actual bodily harm or pregnancy, or emotional harm  
10          resulting from the crime.

11          (5) “Pecuniary loss” means, in the case of a victim, the amount of  
12          medical or medically related expenses, loss of wages, property damage,  
13          cleanup of biological or hazardous materials or fluids, and any other expenses  
14          that the Board feels became necessary as a direct result of the crime. Medical  
15          or medically related expenses may include, ~~but are not limited to,~~ the costs of  
16          individual or family psychological, psychiatric, or mental health counseling  
17          and the costs of replacing or repairing eyeglasses, hearing aids, dentures, or  
18          any prosthetic devices that were taken, lost, or destroyed during the  
19          commission of the crime. In the case of a dependent, “pecuniary loss” means  
20          the cost of psychological, psychiatric, or mental health counseling, funeral  
21          expenses for the victim, property damage, cleanup of biological or hazardous

1 materials, and, upon demonstration of financial hardship, temporary living  
2 expenses.

3 (6) “Unreimbursed pecuniary loss” means a pecuniary loss:

4 (A) that is not covered by medical, hospitalization, or disability  
5 insurance or workers’ compensation; and

6 (B) that has not been ordered by the court to be restored to the victim  
7 or dependent by the person who caused the loss; or

8 (C) that has been ordered by the court to be restored to the victim or  
9 dependent but has not been paid by the person who caused the loss.

10 (7) “Victim” means:

11 (A) a person who sustains injury or death as a direct result of the  
12 commission or attempted commission of a crime or officer-involved shooting  
13 of an individual experiencing a mental health crisis;

14 (B) an intervenor who is physically injured or killed in an attempt to  
15 assist the person described in subdivision (A) of this subdivision (7) or a  
16 protected professional as defined in subdivision 1028(d)(1) of this title;

17 (C) a surviving immediate family member of a homicide victim or  
18 the victim of an officer-involved shooting of an individual experiencing a  
19 mental health crisis, including a spouse, domestic partner, parent, sibling,  
20 child, grandparent, or other survivor who may suffer severe emotional harm as

1 a result of the victim's death as determined on a case-by-case basis in the  
2 discretion of the Board; or

3 (D) a resident of this State who is injured or killed as the result of a  
4 crime or officer-involved shooting of an individual experiencing a mental  
5 health crisis committed outside the United States.

6 (8) "Profits from crimes" means:

7 (A) any property obtained through or income generated from the  
8 commission of a crime ~~in~~ for which the defendant was convicted;

9 (B) any property obtained by or income generated from the sale,  
10 conversion, or exchange of proceeds of a crime, including any gain realized by  
11 such sale, conversion, or exchange;

12 (C) any property that the defendant obtained or any income generated  
13 as a result of having committed the crime, including any assets obtained  
14 through the use of unique knowledge acquired during the commission of or in  
15 preparation for the commission of the crime, as well as any property obtained  
16 or income generated from the sale, conversion, or exchange of such property  
17 and any gain realized by such sale, conversion, or exchange; and

18 (D) any property that the defendant obtained or any income generated  
19 from the sale of tangible property the value of which is increased by the  
20 notoriety gained from the ~~conviction~~ commission of an offense by the person  
21 accused or convicted of the crime.

1           (9) “Officer-involved shooting” has the same meaning as in subdivision  
2           5301(8) of this title.

3           Sec. 3. 13 V.S.A. § 5353 is amended to read:

4           § 5353. APPLICATION FOR COMPENSATION

5           (a) A victim or a dependent of a victim shall, upon application, be eligible  
6           for compensation if:

7           (1) a law enforcement official has filed a report concluding that a crime  
8           was committed, or an officer-involved shooting of an individual experiencing a  
9           mental health crisis occurred, which resulted in the injury or death of the  
10          victim; and

11          (2) the crime or officer-involved shooting of an individual experiencing  
12          a mental health crisis was committed in this State; or

13          (3) the victim is a Vermont resident, the state in which the crime  
14          occurred does not have an eligible crime Victims Compensation Program, and  
15          the applicant would have been eligible for compensation under this chapter if  
16          the crime had been committed in this State; or

17          (4) the victim is a Vermont resident who is injured or killed by an act of  
18          terrorism outside the United States, to the extent that compensation is not  
19          otherwise available under federal law.

20          (b) Victims of crimes subject to federal jurisdiction, and their dependents,  
21          shall be eligible for compensation on the same basis as victims of State crimes.

1 (c) The application for compensation shall be signed by the applicant and  
2 shall contain at least the following information, which shall be provided  
3 subject to the penalties of perjury:

4 (1) A description of the date, nature, and circumstances of the crime.

5 (2) A complete financial statement, including pecuniary losses and the  
6 extent to which the applicant has been or may be indemnified for these  
7 expenses from any source.

8 (3) When appropriate, a statement indicating the extent of any disability  
9 resulting from the injury.

10 (4) When reasonably available, copies of all law enforcement reports  
11 and reports from all health care providers who treated or examined the victim  
12 at the time of or after the crime or who treated or examined the dependent.

13 (5) The applicant's Social Security number for the purpose of making  
14 cash payment to the applicant in accordance with section 5356 of this title.

15 (d) In any case in which the person entitled to compensation under this  
16 chapter is a minor or is mentally incompetent or unable to apply because of ~~his~~  
17 ~~or her~~ the person's physical condition, the application may be made on the  
18 person's behalf by a parent, spouse, guardian, or other person authorized to  
19 administer the estate.

20 (e) In any case in which a victim otherwise eligible for compensation under  
21 this chapter dies without making an application, the Board may, upon



1 application, award medical or medically related expenses and pecuniary losses  
2 to the victim's estate.

3 (f) The Board may award funeral expenses and pecuniary expenses to the  
4 next of kin of a deceased victim who is not survived by a dependent.

5 (g) A victim or a dependent of a victim shall be eligible for compensation  
6 for pecuniary losses sustained as a result of a crime that occurred after July 1,  
7 1987, if the losses occurred on or after July 1, 1990.

8 (h) A victim who is under ~~the age of~~ 18 years of age at the time the  
9 application for compensation is filed shall be eligible for compensation for  
10 pecuniary losses sustained as a result of a crime, no matter when the crime  
11 occurred, if the losses occurred on or after July 1, 1990.

12 (i) A victim shall be eligible for compensation for pecuniary losses  
13 sustained as a result of a crime ~~which~~ that occurred before July 1, 1987, if at  
14 the time of application the case is being investigated or is being prosecuted.

15 Sec. 4. 13 V.S.A. § 5361a is added to read:

16 § 5361a. VICTIM GUARDIANS

17 (a) There is created the position of victim guardian within the Center for  
18 Crime Victim Services. Victim guardians shall be independent of any criminal  
19 investigation or prosecution in order to provide conflict-free advocacy for  
20 victims. Victim guardians shall coordinate with the Department of State's

1 Attorneys and Sheriffs' Victim Advocate Program and other victim advocacy  
2 organizations as appropriate.

3 (b) Victim guardians shall perform services in accordance with the job  
4 descriptions established and maintained by the Center for Crime Victim  
5 Services, including providing assistance to family members of a person who  
6 was a victim of an officer-involved shooting of an individual experiencing a  
7 mental health crisis. Such assistance shall include coordinating with the family  
8 to make arrangements for the cleanup of biological or hazardous materials or  
9 property damage at the scene of the incident and the disposition of human  
10 remains. At the request of the family, payment of such expenses shall be made  
11 directly from the Center for Crime Victim Services to vendors. Family that  
12 does not make such a request for direct payment may apply to the Victims  
13 Compensation Fund for reimbursement of expenses as provided in section  
14 5353 of this title.

15 Sec. 5. 20 V.S.A. § 2365c is added to read:

16 § 2365c. MENTAL HEALTH CRISIS TRAINING

17 (a) In order to remain certified, law enforcement officers shall receive by  
18 January 1, 2028, at least 15 hours of mental health crisis training in a program  
19 approved by the Vermont Criminal Justice Council and the Vermont  
20 Department of Mental Health.

(c) The Vermont Police Academy shall employ a mental health crisis trainer for the sole purpose of training Vermont law enforcement and related practitioners on issues related to mental health crises.

## § 2368. STANDARDS FOR LAW ENFORCEMENT USE OF FORCE

\* \* \*

(4) “Imminent threat of death or serious bodily injury” means when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the law enforcement officer or another person. An imminent threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be immediately addressed and confronted.

1           (5) “Law enforcement officer” has the same meaning as in section  
2           2351a of this title.

3           (6) “Totality of the circumstances” means the conduct and decisions of  
4           the law enforcement officer leading up to the use of force and all facts known  
5           to the law enforcement officer at the time, including the conduct of the person  
6           or persons involved.

7           (b) Use of force.

8           (1) Whether the decision by a law enforcement officer to use force was  
9           objectively reasonable shall be evaluated from the perspective of a reasonable  
10          officer in the same situation, based on the totality of the circumstances. A law  
11          enforcement officer’s failure to use feasible and reasonable alternatives to  
12          force shall be a consideration for whether its use was objectively reasonable.

13          (2) A law enforcement officer shall use only the force objectively  
14          reasonable, necessary, and proportional to effect an arrest, to prevent escape, or  
15          to overcome resistance of a person the officer has reasonable cause to believe  
16          has committed a crime or to achieve any other lawful law enforcement  
17          objective.

18          (3) The authority of law enforcement to use physical force is a serious  
19          responsibility that shall be exercised judiciously and with respect for human  
20          rights and dignity and for the sanctity of every human life. Every person has a

1 right to be free from excessive use of force by officers acting under authority  
2 of the State.

3 (4) The decision by a law enforcement officer to use force shall be  
4 evaluated carefully and thoroughly, in a manner that reflects the gravity of that  
5 authority and the serious consequences of the use of force by law enforcement  
6 officers, in order to ensure that officers use force consistent with law and with  
7 agency policies.

8 (5) When a law enforcement officer knows that a subject's conduct is  
9 the result of a medical condition, mental impairment, developmental disability,  
10 physical limitation, language barrier, drug or alcohol impairment, or other  
11 factor beyond the subject's control, the officer shall take that information into  
12 account in determining the amount of force appropriate to use on the subject, if  
13 any. Unless impracticable, a law enforcement officer who encounters a subject  
14 experiencing the conditions described in this subdivision shall employ de-  
15 escalating tactics prior to using any force, including:

16 (A) avoiding forced entry into a residence unless there is an  
17 imminent threat of death or serious bodily injury;

18 (B) employing time, distance, and containment measures to reduce  
19 the probability of confrontation;

20 (C) permitting mental health professionals to lead crisis engagement,  
21 if these professionals are present; or

(7) A law enforcement officer has a duty to intervene when the officer observes another officer using a chokehold on a person.

\* \* \*

## Sec. 7. POSITIONS; APPROPRIATIONS

(a) Two full-time, classified permanent positions for victim guardian are  
created in the Vermont Center for Crime Victim Services.

(b) There is appropriated to the Vermont Center for Crime Victim Services  
from the General Fund in fiscal year 2027 the sum of:

(1) \$230,000.00 for two victim guardians; and

1           (2) \$20,000.00 for the purpose of paying the following expenses related  
2           to an officer-involved shooting of an individual experiencing a mental health  
3           crisis:

4           (A) cleanup of biological or hazardous materials or fluids at the scene  
5           of the shooting and repairs to property damage; and

6           (B) disposition of human remains.

7           Sec. 8. EFFECTIVE DATE

8           This act shall take effect on July 1, 2026.