

1

H.613

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

6 (A) witnesses;

7 (B) jurors;

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 * * *

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.

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.

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.

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.

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.

7 Sec. 6. 20 V.S.A. § 2368 is amended to read:

8 § 2368. STANDARDS FOR LAW ENFORCEMENT USE OF FORCE

9 (a) Definitions. As used in this section:

10 * * *

11 (3) “Force” means the physical coercion employed by a law
12 enforcement officer to compel a person’s compliance with the officer’s
13 instructions.

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

7 (b) Use of force.

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

1 (D) involving natural supports to de-escalate the encounter, including
2 family, friends, or other trusted persons.

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

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

19 (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.