

H.745

Introduced by Representatives Dodge of Essex, Casey of Montpelier,
Arsenault of Williston, Berbeco of Winooski, Bluemle of
Burlington, Burrows of West Windsor, Campbell of St.
Johnsbury, Cina of Burlington, Cole of Hartford, Greer of
Bennington, Headrick of Burlington, Holcombe of Norwich,
James of Manchester, McGill of Bridport, Minier of South
Burlington, Mrowicki of Putney, Olson of Starksboro, Pezzo of
Colchester, Pouech of Hinesburg, Rachelson of Burlington,
Satcowitz of Randolph, Tomlinson of Winooski, Torre of
Moretown, and Waszazak of Barre City

Referred to Committee on

Date:

Subject: Internal security and public safety; federal immigration authorities

Statement of purpose of bill as introduced: This bill proposes to require a
judicial warrant from a federal immigration authority before the authority
enters a nonpublic area of a sensitive location. It also would terminate and
restrict the Department of Corrections' assistance to federal immigration
authorities to the extent permitted under federal law. It would also limit how
federal immigration authorities can enforce civil immigration laws in Vermont

1 schools. It would also add government buildings to the list of locations where
2 a person is not subject to a civil arrest.

3 An act relating to immigration enforcement

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

5 Sec. 1. 20 V.S.A. chapter 141 is amended to read:

6 CHAPTER 141. PEACE OFFICERS

7 * * *

8 § 2223. FEDERAL IMMIGRATION AUTHORITIES

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

10 (1) “Child care facility” has the same meaning as in 33 V.S.A. § 3511.

11 (2) “Employee” means any person engaged in service to an employer at
12 a sensitive location for wages, salary, or other compensation, and includes an
13 independent contractor.

14 (3) “Federal immigration authority” means a federal agency or
15 department, along with its employees or contractors, tasked with enforcement
16 of immigration law and border entry, including the Department of Homeland
17 Security, Immigration and Customs Enforcement, and U.S. Customs and
18 Border Protection.

19 (4) “Health care facility” has the same meaning as in 18 V.S.A.
20 § 9402(6).

1 (5) “Polling place” is a location approved for an election conducted in
2 the State.

3 (6) “Public library” has the same meaning as in 22 V.S.A. § 101.

4 (7) “School” means a public school or an independent school approved
5 pursuant to 16 V.S.A. § 166 and includes colleges and universities.

6 (8) “Sensitive location” means a school, health care facility, polling
7 place, public library, or child care facility.

8 (b) Immigration authorities on site.

9 (1) No employee at a sensitive location, unless presented with a judicial
10 warrant, shall grant access to a federal immigration authority:

11 (A) into a nonpublic area of the sensitive location; or

12 (B) to any records of an individual that are maintained at the sensitive
13 location.

14 (2) A supervisor of a sensitive location shall:

15 (A) be the primary authority to review a judicial warrant presented by
16 a federal immigration authority at the sensitive location; and

17 (B) designate at least one other employee to serve as a designee of
18 the supervisor in the event that the supervisor is not present when a federal
19 immigration authority appears at the sensitive location.

20 Sec. 2. MODEL POLICY FOR SENSITIVE LOCATIONS; GUIDANCE TO
21 EMPLOYERS

1 (a) The Human Rights Commission, in consultation with the Office of the
2 Attorney General, shall publish a model policy on or before April 15, 2027,
3 that provides guidance on how sensitive locations as defined in 20 V.S.A
4 § 2223 can limit assistance to a federal immigration authority to the fullest
5 extent possible. The policy shall be consistent with federal and State law and
6 also ensure that all sensitive locations remain safe and accessible to all State
7 residents regardless of immigration status. All sensitive locations shall adopt
8 the Human Rights Commission's model policy, or an equivalent, pursuant to
9 this subsection not later than six months after the publication of the model
10 policy.

11 (b) On or before June 15, 2027, the Human Rights Commission, in
12 consultation with the Office of the Attorney General, shall publish
13 documentation that provides guidance to private sector employers about the
14 rights of employers to not comply with a federal immigration authority in
15 nonpublic areas of their place of business when the authority lacks a judicial
16 warrant.

17 Sec. 3. 28 V.S.A. § 101 is amended to read:

18 § 101. POWERS OF THE DEPARTMENT

19 The Department is charged with the following powers:

20 (1) to establish, maintain, and administer such State correctional
21 facilities and programs as may be required for the custody, control,

1 correctional treatment, and rehabilitation of committed persons, and for the
2 safekeeping of such other persons as may be committed to the Department in
3 accordance with law;

4 (2) to operate diagnostic and treatment programs and such other
5 programs deemed desirable to treat persons committed to the Department and
6 to further other purposes and objectives of this title;

7 (3) to administer the supervision of persons placed on probation and
8 released on parole and to administer probation and parole services;

9 (4) to employ such officers, employees, and agents as deemed necessary
10 to discharge the functions of the Department;

11 (5) to establish standards for the management, operation, personnel, and
12 program of all correctional facilities in the State;

13 (6) to act in an advisory capacity in assisting law enforcement agencies,
14 except federal immigration authorities, and communities in the prevention of
15 crime and delinquency;

16 (7) to enforce and administer such other laws as may be vested in the
17 Department;

18 (8) to enter into agreements for assistance in support of the operation of
19 jails or lockups in accordance with criteria established by the Department, and
20 to use the jails or lockups as provided in this title, except agreements or
21 cooperative arrangements to assist federal immigration authorities;

1 (2) The report identified in subdivision (1) of this subsection shall be
2 submitted to the House Committees on Corrections and Institutions and on
3 Government Operations and Military Affairs and the Senate Committees on
4 Institutions and on Government Operations within 30 days after passage of this
5 act.

6 (b) The Department of Corrections shall terminate any existing contracts or
7 agreements with federal immigration authorities within 30 days after passage
8 of this act except as required by federal law.

9 Sec. 6. 16 V.S.A. chapter 33 is amended to read:

10 CHAPTER 33. FIRE AND EMERGENCY PREPAREDNESS DRILLS

11 ~~AND,~~ SAFETY PATROLS, AND PRIVACY

12 * * *

13 § 1486. IMMIGRATION-RELATED PROTOCOLS

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

15 (1) “Federal immigration authority” means a federal agency or
16 department, along with its employees or contractors, tasked with enforcement
17 of immigration law and border entry, including the Department of Homeland
18 Security, Immigration and Customs Enforcement, and U.S. Customs and
19 Border Protection.

1 (2) “School” means a public school or an independent school approved
2 under section 166 of this title and includes employees and independent
3 contractors working for the school.

4 (b) Privacy.

5 (1) A school shall not collect information or any documents regarding
6 the citizenship or immigration status of a student or a family member of a
7 student, except as required by State or federal law or as required to administer
8 a State or federally supported educational program.

9 (2) A superintendent or representative of the school district shall report
10 to the school board as soon as practicable any attempt of a federal immigration
11 authority to gain information of a student or family member of a student or
12 access to a school for the purpose of enforcing immigration law.

13 Sec. 7. 12 V.S.A. § 3577 is amended to read:

14 § 3577. PRIVILEGE FROM ARREST

15 (a) The Governor, Lieutenant Governor, State Treasurer, Secretary of State,
16 Auditor of Accounts, Attorney General, and members of the General Assembly
17 and officers and witnesses whose duty it is to attend thereon, in all cases except
18 treason, felony, and breach of the peace, shall be privileged from arrest and

1 imprisonment during their necessary attendance on and in going to and
2 returning from the General Assembly.

3 (b) A party or witness in a cause pending in any court in the State or before
4 special masters, auditors, referees, or commissioners, and a witness in a
5 criminal cause pending in any such court, shall not be arrested, imprisoned, or
6 detained by virtue of civil process. Any witness summoned from outside the
7 State in a criminal cause, pending in any court within the State, shall be
8 privileged from the service of papers of any kind whatsoever, and from arrest
9 for any cause while going to, attending at, or returning from such court or trial
10 of such cause.

11 (c)(1) Prohibition. A person shall not be subject to civil arrest while
12 traveling to, entering, remaining at, or returning from:

13 (A) a court proceeding; or

14 (B) a building owned or operated by a public agency as defined in 1

15 V.S.A. § 317.

16 (2) Exceptions. Subdivision (1) of this subsection shall not apply to:

17 (A) an arrest pursuant to a judicially issued warrant or a court order;

18 (B) an arrest for contempt of the court where the proceeding is
19 occurring; or

20 (C) an arrest to maintain order or safety in the court where the
21 proceeding is occurring.

1 (3) Remedies.

2 (A) A person who violates this subsection (c) by knowingly and
3 willfully executing or assisting with an arrest prohibited by subdivision (1) of
4 this subsection (c) shall be subject to contempt proceedings and may be liable
5 in a civil action for false imprisonment.

6 (B) A person who is arrested in violation of subdivision (1) of this
7 subsection (c) may bring a civil action against the violator for damages;
8 injunctive, equitable, or declaratory relief; punitive damages; and reasonable
9 costs and attorney's fees.

10 (C) The Office of the Attorney General may bring a civil action on
11 behalf of the State of Vermont for appropriate injunctive, equitable, or
12 declaratory relief if there is reasonable cause to believe that a violation of
13 subdivision (1) of this subsection (c) has occurred or will occur.

14 (D) No action under this subsection (c) shall be brought against the
15 Judiciary or any of its members or employees for actions taken to maintain
16 order or safety in the courts.

17 (E) This section shall not be construed to limit or infringe upon any
18 right, privilege, or remedy available under common law or any other provision
19 of law or rule.

1 (F) Notwithstanding section 3578 of this title, the protections and
2 remedies afforded by this subsection (c) apply irrespective of when the
3 privilege against civil arrest is invoked.

4 (4) Definition. As used in this subsection, “civil arrest” means an arrest
5 for purposes of obtaining a person’s presence or attendance at a civil
6 proceeding, including an immigration proceeding.

7 Sec. 8. EFFECTIVE DATE

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