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S.208

An act relating to standards for law enforcement identification

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

Sec. 1. 20 V.S.A. § 2373 is added to read:

§ 2373. STANDARDS FOR LAW ENFORCEMENT IDENTIFICATION

(a) Legislative intent. It is the intent of the General Assembly to exercise the power of Vermont, as recognized by the 10th Amendment to the U.S. Constitution, to protect the health, safety, and welfare of its residents and law enforcement officers present in the State by codifying standards for law enforcement identification.

(b) Definitions. As used in this section:

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

(2) “Law enforcement officer” has the same meaning as in section 2351a of this title and includes any officer of a federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency.

(c) Identification requirements.

(1) A law enforcement officer shall be clearly identified by:

(A) the officer’s name or the officer’s unique radio or badge number visibly displayed on the officer’s person; and

1 (B) the officer's agency visibly displayed on the officer's person.

2 (2) A law enforcement officer shall not wear any mask or personal
3 disguise while interacting in person with the public in the performance of the
4 officer's duties.

5 (3) Notwithstanding subdivision (2) of this subsection, a law
6 enforcement officer may wear:

7 (A) an N95 respirator or medical grade mask worn with the intent to
8 prevent the transmission of airborne diseases;

9 (B) a mask designed to protect against exposure to smoke during a
10 fire-involved situation;

11 (C) a mask necessary to perform duties during a water rescue
12 operation;

13 (D) a mask related to protection against exposure to biological or
14 chemical agents during an incident where these agents may be present; or

15 (E) a mask designed to protect against exposure to cold between
16 December 1 and April 1 when the National Weather Service is forecasting a
17 duration of cold weather at or below -10 degrees Fahrenheit, which includes
18 wind chill.

19 (4) Notwithstanding subdivision (2) of this subsection, the following is
20 permitted:

1 (A) Tactical Services Unit (TSU) team officers may use gear
2 necessary to protect their faces from physical harm while performing TSU
3 responsibilities.

4 (B) Law enforcement officers working with or in conjunction with
5 the Vermont Drug Task Force who participate in active undercover drug-
6 related operations or assignments may use a personal disguise when necessary
7 to perform such operations or assignments.

8 (C) Law enforcement officers who participate in active undercover
9 investigations relating to child sexual exploitation may use a personal disguise
10 when necessary to perform such investigations.

11 (d) Statewide policy. On or before January 1, 2027, the Vermont Criminal
12 Justice Council shall establish a statewide policy governing the standards for
13 law enforcement identification applicable to Vermont law enforcement
14 agencies to ensure consistent statewide application of the standards.

15 (e) Penalty. A law enforcement officer who violates subsection (c) of this
16 section shall be:

17 (1) for a first offense, assessed a civil penalty of not more than
18 \$1,000.00; and

19 (2) for a second offense and subsequent offense, assessed a civil penalty
20 of not more than \$2,500.00.

