

1 S.209  
2 Introduced by Senators Vyhovsky, Bongartz, Gulick, Hashim, Perchlik,  
3 Watson and White  
4 Referred to Committee on  
5 Date:  
6 Subject: Court procedure; civil arrest; prohibitions  
7 Statement of purpose of bill as introduced: This bill proposes to add  
8 government buildings, schools, shelters, and health care facilities to the list of  
9 sensitive locations where a person is not subject to a civil arrest.

10                   An act relating to prohibiting civil arrest in sensitive locations

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

12                   Sec. 1. 12 V.S.A. § 3577 is amended to read:

13                   § 3577. PRIVILEGE FROM ARREST

14                   (a) The Governor, Lieutenant Governor, State Treasurer, Secretary of State,

15                   Auditor of Accounts, Attorney General, and members of the General Assembly

16                   and officers and witnesses whose duty it is to attend thereon, in all cases except

17                   treason, felony, and breach of the peace, shall be privileged from arrest and

18                   imprisonment during their necessary attendance on and in going to and

19                   returning from the General Assembly.

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

11 (A) court proceeding;

12 (B) State, county, or municipal building;

13 (C) school;

16 (E) health care facility, as that term is defined in 18 V.S.A.

17 § 9402(6).

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

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

20 (B) an arrest for contempt of the court where the proceeding is

21 occurring; or

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

### 3 (3) Remedies.

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

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

19 (E) This section shall not be construed to limit or infringe upon any  
20 right, privilege, or remedy available under common law or any other provision  
21 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.

## 7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on passage.