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S.209

Introduced by Senators Vyhovsky, Bongartz, Gulick, Hashim, Perchlik,
Watson and White

Referred to Committee on Judiciary

Date: January 6, 2026

Subject: Court procedure; civil arrest; prohibitions

Statement of purpose of bill as introduced: This bill proposes to add
government buildings, schools, shelters, and health care facilities to the list of
sensitive locations where a person is not subject to a civil arrest.

An act relating to prohibiting civil arrest in sensitive locations

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

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

§ 3577. PRIVILEGE FROM ARREST

(a) The Governor, Lieutenant Governor, State Treasurer, Secretary of State,
Auditor of Accounts, Attorney General, and members of the General
Assembly and officers and witnesses whose duty it is to attend thereon, in all
cases except treason, felony, and breach of the peace, shall be privileged from
arrest and imprisonment during their necessary attendance on and in going to
~~and returning from the General Assembly;~~

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

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;

14 (D) community-based shelter, severe weather shelter, or emergency
15 housing provided through 33 V.S.A. chapter 21; or

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 (D) Remedies.

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

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

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 ~~(E) 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. 2. EFFECTIVE DATE

8 ~~This act shall take effect on passage.~~

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

§ 3577. PRIVILEGE FROM ARREST

(a) The Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts, Attorney General, and members of the General Assembly and officers and witnesses whose duty it is to attend thereon, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest and imprisonment during their necessary attendance on and in going to and returning from the General Assembly.

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

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

(A) court proceeding;

(B) polling place;

(C) educational institution;

(D) social services establishment, which includes a crisis center, domestic violence shelter, victim services center, child advocacy center,

supervised visitation center, family justice center, facility that serves disabled persons, homeless shelter, substance use disorder counseling and treatment facility, and an establishment distributing food or other essentials of life to people in need;

(E) place of worship;

(F) facility:

(i) regulated by the Child Development Division of the Department for Children and Families; or

(ii) licensed as a children's camp pursuant to 18 V.S.A. § 4301 or that serves as a day camp; or

(G) health care facility, as that term is defined in 18 V.S.A. § 9402(6).

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

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

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

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

(3) Remedies.

(A) A person who violates this subsection (c) by knowingly and willfully executing or assisting with an arrest prohibited by subdivision (1) of this subsection (c) ~~shall be subject to contempt proceedings and:~~

(i) may be liable in a civil action for false imprisonment; and

(ii) shall be subject to contempt proceedings, if the arrest is pursuant to subdivision (1)(A) of this subsection (c).

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

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

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

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

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

(4) ~~Definition~~ Definitions. As used in this subsection:

(A)(i) ~~“civil~~ Civil arrest” means an arrest for purposes of obtaining a person’s presence or attendance at a civil proceeding, including an immigration proceeding.

(ii) “Civil arrest” does not include:

(I) temporary custody of a person pending a warrant pursuant to 18 V.S.A. § 7505(b); or

(II) holding a person for admission to a hospital for an emergency examination pursuant to 18 V.S.A. § 7504.

(B)(i) “Educational institution” means:

(I) a public school, as that term is defined in 16 V.S.A. § 11(7);

(II) an independent school, as that term is defined in 16 V.S.A. § 11(8);

(III) a regional CTE center, as that term is defined in 16 V.S.A. § 1522(4);

(IV) an approved education program, as that term is defined in 16 V.S.A. § 11(34);

(V) a prequalified private prekindergarten provider, as that term is defined in 16 V.S.A. § 829(a)(3);

(VI) a postsecondary school, as that term is defined in 16 V.S.A. § 176(b)(1);

(VII) an educational program operated by a Board of Cooperative Education Services pursuant to 16 V.S.A. chapter 10;

(VIII) a tutorial program, as that term is defined in 16 V.S.A. § 11(27); and

(IX) an adult education and secondary credential program operated pursuant to 16 V.S.A. § 945.

(ii) “Educational institution” also extends to grounds operated by, activities sponsored by, transportation provided by, and programs related to educational institutions.

(C) “Polling place” means a place that a municipality has designated to the Secretary of State as a polling place pursuant to 17 V.S.A. § 2502(f).

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.