

1

S.209

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An act relating to prohibiting civil arrest in sensitive locations

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The House proposes to the Senate to amend the bill by striking out all after

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the enacting clause and inserting in lieu thereof the following:

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

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§ 3577. PRIVILEGE FROM ARREST

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

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

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

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

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imprisonment during their necessary attendance on and in going to and

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returning from the General Assembly.

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(b) A party or witness in a cause pending in any court in the State or before

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special masters, auditors, referees, or commissioners, and a witness in a

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criminal cause pending in any such court, shall not be arrested, imprisoned, or

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detained by virtue of civil process. Any witness summoned from outside the

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State in a criminal cause, pending in any court within the State, shall be

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privileged from the service of papers of any kind whatsoever, and from arrest

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for any cause while going to, attending at, or returning from such court or trial

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of such cause.

- 1 (c)(1) Prohibition. A person shall not be subject to civil arrest while;
- 2 (A) traveling to, entering, remaining at, or returning from a:
- 3 (i) court proceeding; or
- 4 (ii) educational institution; or
- 5 (B) on the premises of a:
- 6 (i) building owned and wholly controlled by the State or a political
- 7 subdivision of the State where members of the public may enter in order to
- 8 conduct governmental business;
- 9 (ii) office operated by the Department of Motor Vehicles that is
- 10 open to the public;
- 11 (iii) public library;
- 12 (iv) polling place;
- 13 (v) social services establishment, which includes a crisis center,
- 14 domestic violence shelter, victim services center, child advocacy center,
- 15 supervised visitation center, family justice center, facility that serves disabled
- 16 persons, homeless shelter, substance use disorder counseling and treatment
- 17 facility, and food pantry or similar establishment that distributes food or other
- 18 essentials of life to persons in need;
- 19 (vi) place of worship;
- 20 (vii) facility licensed as a children's camp or that serves as a day
- 21 camp; or

1 (viii) health care facility.

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

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

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

5 occurring; or

6 (C) an arrest to maintain order or safety in the court where the

7 proceeding is occurring.

8 (3) Remedies.

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

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

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

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

19 (C) The Office of the Attorney General may bring a civil action on
20 behalf of the State of Vermont for appropriate injunctive, equitable, or

1 declaratory relief if there is reasonable cause to believe that a violation of
2 subdivision (1) of this subsection (c) has occurred or will occur.

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

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

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

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

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

16 (ii) “Civil arrest” does not include:

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

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

1 (B) “Children’s camp” has the same meaning as in 18 V.S.A. § 4301.

2 (C)(i) “Educational institution” means:

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

4 (II) an independent school, as that term is defined in 16 V.S.A.

5 § 11(8);

6 (III) a regional CTE center, as that term is defined in 16 V.S.A.

7 § 1522(4);

8 (IV) an approved education program, as that term is defined in

9 16 V.S.A. § 11(34);

10 (V) a prequalified private provider, as that term is defined in 16

11 V.S.A. § 829(a)(3);

12 (VI) a postsecondary school, as that term is defined in

13 16 V.S.A. § 176(b)(1);

14 (VII) an educational program operated by a board of

15 cooperative education services pursuant to 16 V.S.A. chapter 10;

16 (VIII) a tutorial program, as that term is defined in 16 V.S.A.

17 § 11(27); and

18 (IX) an adult education and secondary credential program

19 operated pursuant to 16 V.S.A. § 945.

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

4 (D) “Health care facility” has the same meaning as in 18 V.S.A.
5 § 9402(6).

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

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

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on passage.