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H.342

Representative Harvey of Castleton moves that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND PURPOSE

(a) The General Assembly finds that Vermont’s judges, prosecutors, law enforcement officers, and other public servants play an essential role in the functioning of the government of the State of Vermont and that the nature of their official duties regularly places them in danger of death, serious physical injury, and other reprisals from members of the public.

(b) Violence to and intimidation of such public servants and their families is on the rise and public access to the personal information of these individuals can be and has been used to facilitate violence and intimidation. The personal information of these individuals is of negligible value to the public interest or public discourse.

(c) Accordingly, the provisions of this act are both necessary and appropriate to protect the privacy, safety, and security of public servants and to prevent interference in the administration of justice and the operation of government in the State of Vermont.

Sec. 2. 9 V.S.A. chapter 62, subchapter 3B is added to read:

Subchapter 3B. Public Servant Privacy

1 § 2444. NONDISCLOSURE OF CERTAIN PUBLIC SERVANT

2 PERSONAL INFORMATION

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

4 (1) “Authorized agent” means any of the following persons or entities
5 authorized to submit or revoke a request for the redaction or nondisclosure of
6 protected information on behalf of a covered person and to engage in
7 communications and enforcement related to the request:

8 (A) a designated trustee or other agent pursuant to a written power of
9 attorney or other legal instrument on behalf of any covered person who is
10 physically or mentally incapacitated;

11 (B) a parent or legal guardian on behalf of any child who is a minor
12 and who is otherwise entitled to address redaction or nondisclosure pursuant to
13 this section; and

14 (C) a person or entity who has been appointed pursuant to a notarized
15 document by a covered person to act for the covered person for the submission
16 or revocation of requests for redaction or nondisclosure of protected
17 information.

18 (2) “Commercial entity” means any business, corporation, partnership,
19 limited partnership, sole proprietorship, firm, enterprise, franchise, or
20 association engaged in the buying or selling of goods or services for profit.

21 (3) “Covered person” means any of the following individuals:

1 (A) active or former judges, government lawyers, law enforcement
2 officers, federal law enforcement officers, jurors, members of the General
3 Assembly, parole and probation officers, and members of the Vermont Parole
4 Board;

5 (B) employees of:

6 (i) the Family Services Division of the Department for Children
7 and Families;

8 (ii) the Vermont Human Rights Commission;

9 (iii) the Department of Corrections;

10 (iv) the Department of Public Safety, including the Vermont State
11 Police;

12 (v) the Department of State’s Attorneys and Sheriffs; and

13 (vi) all courts in the State;

14 (C) investigators, victim advocates, mental health crisis workers, and
15 embedded crisis specialists who are employed or work on a contract basis for
16 any of the entities listed in subdivision (B) of this subdivision (3); and

17 (D) the immediate family of individuals identified in subdivisions

18 (A)–(C) of this subdivision (3).

19 (4) “Disclose,” “disclosing,” or “disclosure” means to publicly post.

1 (5) “Federal law enforcement officer” has the same meaning as in 18
2 U.S.C. § 115(c)(1) but is limited to those individuals who work or reside in
3 Vermont.

4 (6) “Government lawyer” means a licensed attorney who practices law
5 in Vermont in the capacity as a State or federal employee.

6 (7) “Home address” means a partial or complete street address or other
7 information that reveals a home’s location, including tax parcel ID, legal
8 property description, or geographic coordinates.

9 (8) “Home telephone number” means any telephone number used
10 primarily for personal communications, including a landline or cellular
11 telephone number.

12 (9) “Immediate family” has the same meaning as in 3 V.S.A. § 1201.

13 (10) “Judge” means any justice, judge, or magistrate of a State court or
14 of a federal court located in Vermont, or any person who serves as a judge,
15 justice, or magistrate in another state who maintains a home address in
16 Vermont.

17 (11) “Juror” means an individual who has served on a Vermont jury in
18 the last 18 months.

19 (12) “Law enforcement officer” has the same meaning as in 20 V.S.A.
20 § 2351a.

21 (13) “Parole and probation officer” means:

1 (A) a corrections services specialist employed by the Department of
2 Corrections; or

3 (B) a parole or probation officer employed by a Vermont county or
4 municipality.

5 (14)(A) “Protected information” means a covered person’s:

6 (i) home address, including primary residence and any secondary
7 residences;

8 (ii) home telephone number;

9 (iii) personal email address;

10 (iv) Social Security number or driver’s license number; and

11 (v) license plate number or other unique identifiers of a vehicle
12 owned, leased, or regularly used by a covered person.

13 (B) “Protected information” does not include protected information
14 that a covered person voluntarily and publicly discloses on or after July 1,
15 2025.

16 (15) “Public agency” has the same meaning as in 1 V.S.A. § 317.

17 (b) Nondisclosure of protected information.

18 (1) Notice.

19 (A) A covered person or an authorized agent of the covered person
20 has the right through this section to send a notice to a public agency or

1 commercial entity requesting that the public agency or commercial entity cease
2 disclosure or redisclosure of the covered person's protected information.

3 (B) The notice as set forth in subdivision (A) of this subdivision (1)
4 shall be in a form provided by the Secretary of State, except that no prior
5 verification of a covered person's or authorized agent's status shall be required
6 for the notice. The Secretary of State shall publish the form of notice not later
7 than 90 days after July 1, 2025, provided that until such form is published,
8 covered persons and their authorized agents may use their own form of written
9 notice that references this section, identifies the sender as a covered person or
10 an authorized agent acting on behalf of a covered person, and requests that the
11 public agency or commercial entity cease disclosure of the covered person's
12 protected information.

13 (2) Requirements.

14 (A) Unless otherwise required by law, upon a public agency
15 receiving physical or electronic notice from a covered person, or an authorized
16 agent of the covered person, requesting that the public agency cease disclosing
17 or redisclosing protected information of the covered person, the public agency
18 shall cease disclosing the protected information not later than 15 days after
19 receipt of the notice and shall not disclose or redisclose the protected
20 information after that time. The requirements in this subdivision (A) shall not

1 be construed to limit or affect the rights persons have pursuant to subsection
2 2440(f) of this title.

3 (B) Upon a commercial entity receiving physical or electronic notice
4 from a covered person, or an authorized agent of the covered person,
5 requesting that the commercial entity cease disclosing or redisclosing protected
6 information of the covered person, the commercial entity shall cease disclosing
7 the protected information not later than 15 days after receipt of the notice and
8 shall not disclose or redisclose the protected information after that time.

9 (3) Injunction.

10 (A) A public agency or commercial entity that receives a notice from
11 a covered person or an authorized agent of the covered person pursuant to
12 subdivision (2) of this subsection (b) that discloses or rediscloses the covered
13 person's protected information more than 15 days after receiving the notice is
14 in violation of this section and shall be subject to an injunction in a civil action
15 brought in Superior Court by the covered person.

16 (B) A public agency or commercial entity that violates an injunction
17 granted by a court pursuant to subdivision (A) of this subdivision (3) is liable
18 to the covered person for reasonable attorney's fees and court costs.

19 (C) In any judicial proceeding pursuant to subdivision (A) of this
20 subdivision (3), the standard of fault shall be ordinary negligence.

1 (4) Limitations.

2 (A) A disclosure of protected information shall not constitute a
3 violation of this section if the disclosure is:

4 (i) made with the express authorization of the covered person,
5 provided that the authorization is provided subsequent to the relevant
6 nondisclosure request; or

7 (ii) for the sole purpose of facilitating a transaction initiated by the
8 covered person.

9 (B) Nothing in this section shall be construed as prohibiting an
10 employer from providing employee information to the Vermont Labor
11 Relations Board or to employee organizations that is required under Vermont
12 law.

13 (C) Nothing in this section shall be construed to require a public
14 agency or commercial entity to delete protected information.

15 (D) A covered person or an authorized agent accessing a commercial
16 entity’s website or other public application for the purpose of determining
17 whether the covered person’s protected information is being disclosed shall
18 not, as a result of such access, be deemed to have agreed on behalf of the
19 covered person to any website terms and conditions with respect to the covered
20 person’s rights under this section.

1 Sec. 3. REPORTING ON INJUNCTIONS

2 On or before February 15 of each year commencing in 2026 and ending in
3 2031, the State Court Administrator shall submit a report to the House
4 Committee on Judiciary and the Senate Committee on Judiciary identifying the
5 following from the previous calendar year:

6 (1) the number of injunctions pursuant to this act filed, granted, denied,
7 and appealed;

8 (2) for injunctions that were granted, the number that were subsequently
9 violated;

10 (3) for injunctions that were violated, the amount in attorney's fees and
11 court costs awarded in each case; and

12 (4) any additional information or data the Administrator believes is
13 relevant to the report.

14 Sec. 4. EFFECTIVE DATE

15 This act shall take effect on July 1, 2025.