

Report of Committee of Conference

S.208

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon Senate Bill, entitled:

S.208. An act relating to standards for law enforcement identification.

Respectfully reports that it has met and considered the same and recommends that the House recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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) “Facial covering” means any opaque mask, garment, disguise, or other item that conceals or obscures the facial identity of an individual,

including a balaclava, gaiter mask, ski mask, and other similar types of facial coverings.

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

(3) “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 when interacting directly with the public in the performance of the officer’s duties by:

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

(B) the officer’s agency or the initials of the officer’s agency visibly displayed on the officer’s person.

(2) A law enforcement officer shall verbally disclose, in a clear and audible manner, the officer’s name and the official name of the officer’s agency when detaining or arresting an individual as soon as it is practical and safe to do so.

(3) Notwithstanding subdivision (1) of this subsection, an officer is not required to be clearly identified in the following circumstances:

(A) during active undercover or plainclothes operations, including official duties requiring anonymity, such as to interview, surveil, infiltrate, or otherwise investigate criminal activity;

(B) while wearing personal protective equipment for crime scene processing or exposure to hazardous materials;

(C) while responding to exigent circumstances, either on or off duty, including situations involving imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence;

(D) while performing tactical team responsibilities when assigned to a tactical team unit;

(E) while engaging in executive protective operations where the display of identification would compromise the safety, anonymity, or tactical effectiveness of the protection detail; and

(F) during meetings and interviews with victims and witnesses.

(d) Facial covering requirements.

(1) A law enforcement officer shall not wear any facial covering while interacting directly with the public in the performance of the officer's duties.

(2) Notwithstanding subdivision (1) of this subsection, a law enforcement officer may wear:

(A) a respirator or medical-grade mask worn with the intent to prevent the transmission of airborne diseases;

(B) a facial covering designed to protect against exposure to smoke, fire, projectiles, or retinal weapons;

(C) a facial covering necessary to perform duties during a water rescue operation;

(D) a facial covering related to protection against exposure to biological or chemical agents during an incident where these agents are likely to be present;

(E) a facial covering designed to protect against exposure to adverse weather conditions, taking into account the actual temperature, windchill, humidity, and length of time of the exposure;

(F) a head or face covering if worn as an approved reasonable accommodation under federal or State disability or religious discrimination laws;

(G) a facial covering designed to protect tactical unit officers from physical harm;

(H) a disguise worn by officers engaged in undercover drug interdiction assignments; and

(I) a disguise worn by officers participating in active undercover investigations relating to child sexual exploitation or human trafficking.

(e) Statewide policy. On or before January 2, 2027, the Law Enforcement Advisory Board shall establish a statewide model policy governing the standards for law enforcement identification and the wearing of facial coverings applicable to law enforcement officers consistent with subsections (c) and (d) of this section. On or before January 15, 2027, the Law Enforcement Advisory Board shall submit the model policy to the House Committee on Judiciary and the Senate Committee on Judiciary.

(f) Policy adoption. On or before March 15, 2027, every law enforcement agency shall adopt a policy consistent with the statewide model policy developed by the Law Enforcement Advisory Board pursuant to subsection (e) of this section. If a law enforcement agency or law enforcement officer who is not employed by a law enforcement agency fails to adopt a policy pursuant to this section, the agency or officer shall be deemed to have adopted the statewide model policy developed by the Law Enforcement Advisory Board.

(g) Enforcement and penalties.

(1) The Office of the Attorney General may bring a civil action to enforce the provisions of this section by bringing a civil action for injunctive relief and imposition of a civil penalty of not more than \$2,500.00.

(2) This subsection shall not apply to a law enforcement officer if the officer's employing law enforcement agency has adopted and publicly posted a written policy consistent with the requirements of this section and that provides

for administrative action to be taken for violations of subsections (c) and (d) of this section.

Sec. 2. EFFECTIVE DATES

(a) This section and, in Sec. 1, 20 V.S.A. § 2373(e) (statewide policy) and 20 V.S.A. § 2373(f) (policy adoption) shall take effect on passage.

(b) The remainder of this act shall take effect on March 15, 2027.

COMMITTEE ON THE PART OF
THE SENATE

SEN. NADER A. HASHIM

SEN. PHILIP E. BARUTH

SEN. CHRISTOPHER P. MATTOS

COMMITTEE ON THE PART OF
THE HOUSE

REP. MARTIN J. LALONDE

REP. KAREN N. DOLAN

REP. IAN GOODNOW