

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 208
3 entitled “An act relating to standards for law enforcement officers” respectfully
4 reports that it has considered the same and recommends that the House propose
5 to the Senate that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 20 V.S.A. § 2373 is added to read:

8 § 2373. STANDARDS FOR LAW ENFORCEMENT IDENTIFICATION

9 (a) Legislative intent. It is the intent of the General Assembly to exercise
10 the power of Vermont, as recognized by the 10th Amendment to the U.S.
11 Constitution, to protect the health, safety, and welfare of its residents and law
12 enforcement officers present in the State by codifying standards for law
13 enforcement identification.

14 (b) Definitions. As used in this section:

15 (1) “Facial covering” means any opaque mask, garment, disguise, or
16 other item that conceals or obscures the facial identity of an individual,
17 including a balaclava, gator, ski mask, and other similar types of facial
18 coverings.

19 (2) “Law enforcement agency” has the same meaning as in section
20 2351a of this title.

1 (3) “Law enforcement officer” has the same meaning as in section
2 2351a of this title and includes any officer of a federal law enforcement agency
3 or any person acting on behalf of a local, state, or federal law enforcement
4 agency.

5 (c) Identification requirements.

6 (1) A law enforcement officer shall be clearly identified when
7 interacting directly with the public in the performance of the officer’s duties
8 by:

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

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

13 (2) A law enforcement officer shall verbally disclose, in a clear and
14 audible manner, the officer’s name and the official name of the officer’s
15 agency when detaining or arresting an individual.

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

18 (A) active undercover operations, including official duties requiring
19 anonymity to interview, surveil, infiltrate, or otherwise investigate criminal
20 activity;

1 (B) plainclothes operations by officers employed in the Department
2 of Liquor and Lottery, Department of Motor Vehicles, Department of Fish and
3 Wildlife, Office of Professional Regulation, and Office of the Attorney
4 General;

5 (C) wearing personal protective equipment for crime scene
6 processing or exposure to hazardous materials;

7 (D) responding to exigent circumstances, either on or off duty,
8 including situations involving imminent danger to persons or property, escape
9 of a perpetrator, or destruction of evidence;

10 (E) performing tactical team responsibilities when assigned to a
11 tactical team unit;

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

15 (G) meetings and interviews with victims and witnesses.

16 (d) Facial covering requirements.

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

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

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

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

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

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

10 (E) a facial covering designed to protect against exposure to cold
11 weather conditions, taking into account the actual temperature, wind chill, and
12 length of time of the exposure;

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

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

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

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

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.

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10 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE