

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 identification”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended by striking out all after
6 the enacting 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, gaiter mask, 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 as soon as it is practical and
16 safe to do so.

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

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

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

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

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

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

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

12 (d) Facial covering requirements.

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

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

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

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

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

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

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

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

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

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

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

18 (e) Statewide policy. On or before January 1, 2027, the Vermont Criminal
19 Justice Council shall establish a statewide policy governing the standards for
20 law enforcement identification and the wearing of facial coverings applicable

1 to Vermont law enforcement agencies to ensure consistent statewide
2 application of the standards.

3 (f) Penalty.

4 (1) A law enforcement officer who violates subsection (c) or (d) of this
5 section shall be:

6 (A) for a first offense, assessed a civil penalty of not more than
7 \$1,000.00; and

8 (B) for a second offense or a subsequent offense, assessed a civil
9 penalty of not more than \$2,500.00.

10 (2) This subsection shall not apply to a law enforcement officer if the
11 officer's employing law enforcement agency has adopted and publicly posted a
12 written policy consistent with the requirements of this section and that provides
13 for administrative action to be taken for violations of subsections (c) and (d) of
14 this section.

15 (g) Inseverability. Notwithstanding 1 V.S.A. § 215, if any provision of this
16 section is declared unconstitutional or the applicability of this section to any
17 person or circumstance is held invalid, the remaining portions of this section
18 shall be rendered invalid.

1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE