

1 S.208

2 Representatives McGill of Bridport and Berbeco of Winooski move that the
3 report of the Committee on Judiciary be amended by striking out all after the
4 enacting clause and inserting in lieu thereof the following:

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

6 § 2373. STANDARDS FOR LAW ENFORCEMENT IDENTIFICATION

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

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

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

17 (2) “Law enforcement agency” has the same meaning as in section
18 2351a of this title.

19 (3) “Law enforcement officer” has the same meaning as in section
20 2351a of this title and includes any officer of a federal law enforcement agency

1 or any person acting on behalf of a local, state, or federal law enforcement
2 agency.

3 (c) Identification requirements.

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

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

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

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

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

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

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

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

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

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

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

10 (d) Facial covering requirements.

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

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

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

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

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

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

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

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

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

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

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

16 (e) Statewide policy. On or before July 1, 2027, the Law Enforcement
17 Advisory Board shall establish a model statewide policy governing the
18 standards for law enforcement identification and the wearing of facial
19 coverings applicable to law enforcement officers to ensure consistent statewide
20 application of the standards.

1 (f) Policy adoption. On or before October 1, 2027, every law enforcement
2 agency shall adopt a policy consistent with the model statewide policy
3 developed by the Law Enforcement Advisory Board pursuant to subsection (e)
4 of this section. If a law enforcement agency or law enforcement officer who is
5 not employed by a law enforcement agency fails to adopt a policy pursuant to
6 this section, the agency or officer shall be deemed to have adopted the model
7 statewide policy developed by the Law Enforcement Advisory Board.

8 (g) Penalty.

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

11 (A) for a first offense, assessed a civil penalty of not more than
12 \$1,000.00; and

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

15 (2) This subsection shall not apply to a law enforcement officer if the
16 officer’s employing law enforcement agency has adopted and publicly posted a
17 written policy consistent with the requirements of this section and that provides
18 for administrative action to be taken for violations of subsections (c) and (d) of
19 this section.

20 Sec. 2. 4 V.S.A. § 1102 is amended to read:

21 § 1102. JUDICIAL BUREAU; JURISDICTION

