

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 209
3 entitled “An act relating to prohibiting civil arrest in sensitive locations”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 12 V.S.A. § 3577 is amended to read:

8 § 3577. PRIVILEGE FROM ARREST

9 (a) The Governor, Lieutenant Governor, State Treasurer, Secretary of State,
10 Auditor of Accounts, Attorney General, and members of the General Assembly
11 and officers and witnesses whose duty it is to attend thereon, in all cases except
12 treason, felony, and breach of the peace, shall be privileged from arrest and
13 imprisonment during their necessary attendance on and in going to and
14 returning from the General Assembly.

15 (b) A party or witness in a cause pending in any court in the State or before
16 special masters, auditors, referees, or commissioners, and a witness in a
17 criminal cause pending in any such court, shall not be arrested, imprisoned, or
18 detained by virtue of civil process. Any witness summoned from outside the
19 State in a criminal cause, pending in any court within the State, shall be
20 privileged from the service of papers of any kind whatsoever, and from arrest

1 for any cause while going to, attending at, or returning from such court or trial
2 of such cause.

3 (c)(1) Prohibition. A person shall not be subject to civil arrest while
4 traveling to, entering, remaining at, or returning from a:

5 (A) court proceeding;

6 (B) building, controlled in whole or in part by the State or a political
7 subdivision of the State, in which governmental services are provided to the
8 public;

9 (C) polling place;

10 (D) educational institution;

11 (E) social services establishment, which includes a crisis center,
12 domestic violence shelter, victim services center, child advocacy center,
13 supervised visitation center, family justice center, facility that serves disabled
14 persons, homeless shelter, substance use disorder counseling and treatment
15 facility, and an establishment distributing food or other essentials of life to
16 people in need;

17 (F) place of worship;

18 (G) facility;

19 (i) regulated by the Child Development Division of the
20 Department for Children and Families; or

1 (ii) licensed as a children's camp pursuant to 18 V.S.A. § 4301 or
2 that serves as a day camp; or
3 (H) health care facility, as that term is defined in 18 V.S.A.
4 § 9402(6).

5 (2) Exceptions. Subdivision (1) of this subsection shall not apply to:

6 (A) an arrest pursuant to a judicially issued warrant or a court order;

7 (B) an arrest for contempt of the court where the proceeding is
8 occurring; or

9 (C) an arrest to maintain order or safety in the court where the
10 proceeding is occurring.

11 (3) Remedies.

12 (A) A person who violates this subsection (c) by knowingly and
13 willfully executing or assisting with an arrest prohibited by subdivision (1) of
14 this subsection (c) shall be subject to contempt proceedings and;

15 (i) may be liable in a civil action for false imprisonment; and

16 (ii) shall be subject to contempt proceedings, if the arrest is
17 pursuant to subdivision (1)(A) of this subsection (c).

18 (B) A person who is arrested in violation of subdivision (1) of this
19 subsection (c) may bring a civil action against the violator for damages;
20 injunctive, equitable, or declaratory relief; punitive damages; and reasonable
21 costs and attorney's fees.

1 (C) The Office of the Attorney General may bring a civil action on
2 behalf of the State of Vermont for appropriate injunctive, equitable, or
3 declaratory relief if there is reasonable cause to believe that a violation of
4 subdivision (1) of this subsection (c) has occurred or will occur.

5 (D) No action under this subsection (c) shall be brought against the
6 Judiciary or any of its members or employees for actions taken to maintain
7 order or safety in the courts.

8 (E) This section shall not be construed to limit or infringe upon any
9 right, privilege, or remedy available under common law or any other provision
10 of law or rule.

11 (F) Notwithstanding section 3578 of this title, the protections and
12 remedies afforded by this subsection (c) apply irrespective of when the
13 privilege against civil arrest is invoked.

14 (4) ~~Definition~~ Definitions. As used in this subsection:

15 (A)(i) “civil Civil arrest” means an arrest for purposes of obtaining a
16 person’s presence or attendance at a civil proceeding, including an immigration
17 proceeding.

18 (ii) “Civil arrest” does not include:

19 (I) temporary custody of a person pending a warrant pursuant
20 to 18 V.S.A. § 7505(b); or

1 (II) holding a person for admission to a hospital for an
2 emergency examination pursuant to 18 V.S.A. § 7504.

3 (B)(i) “Educational institution” means:

4 (I) a public school, as that term is defined in 16 V.S.A. § 11(7);

5 (II) an independent school, as that term is defined in 16 V.S.A.
6 § 11(8);

7 (III) a regional CTE center, as that term is defined in 16 V.S.A.
8 § 1522(4);

9 (IV) an approved education program, as that term is defined in
10 16 V.S.A. § 11(34);

11 (V) a prequalified private prekindergarten provider, as that
12 term is defined in 16 V.S.A. § 829(a)(3);

13 (VI) a postsecondary school, as that term is defined in
14 16 V.S.A. § 176(b)(1);

15 (VII) an educational program operated by a Board of
16 Cooperative Education Services pursuant to 16 V.S.A. chapter 10;

17 (VIII) a tutorial program, as that term is defined in 16 V.S.A.
18 § 11(27); and

19 (IX) an adult education and secondary credential program
20 operated pursuant to 16 V.S.A. § 945.

1 (ii) “Educational institution” also extends to grounds operated by,
2 activities sponsored by, transportation provided by, and programs related to
3 educational institutions.

4 (C) “Polling place” means a place that a municipality has designated
5 to the Secretary of State as a polling place pursuant to 17 V.S.A. § 2502(f).

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on passage.

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9 (Committee vote: _____)

10

11

Senator _____

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FOR THE COMMITTEE