

1 S.132

2 Introduced by Senators Campion and Sears

3 Referred to Committee on

4 Date:

5 Subject: Crimes; hate crimes; standardized reporting; data collection

6 Statement of purpose of bill as introduced: This bill proposes to 1) expand the
7 authority of the Attorney General to investigate bias incidents and enforce civil
8 penalties; 2) create a working group to establish a system of uniform reporting
9 of bias incidents; 3) require minimum training standards for law enforcement
10 officers to include trainings on hate crimes and bias incidents; and 4) require
11 the Attorney General to report annually to the General Assembly on hate
12 crimes and bias incidents.

13 An act relating to hate crimes and bias incidents

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 13 V.S.A. § 1466 is amended to read:

16 § 1466. CIVIL PENALTIES; ENFORCEMENT

17 (a) The Attorney General may seek the imposition of a civil penalty of not
18 more than \$5,000.00, plus costs and reasonable attorney's fees for each
19 violation of section 1455 or 1456 of this title, including violations of any
20 injunction issued pursuant to this chapter.

1 (b) The Attorney General or a State’s Attorney may investigate alleged or
2 suspected violations of this chapter and chapter 31 of this title by utilizing the
3 same civil investigation methods and standards established in 9 V.S.A. § 2460
4 for investigating alleged or suspected unfair acts of commerce.

5 Sec. 2. BIAS INCIDENT REPORTING WORKING GROUP; REPORT

6 (a) Working group. A bias incident reporting working group is created to
7 analyze how to appropriately intake, respond to, and report on bias incidents
8 consistently among all law enforcement agencies or entities. The goal of the
9 group shall be to ensure that:

10 (1) from each point of contact with law enforcement, victims or
11 communities impacted by bias incidents receive appropriate law enforcement
12 response;

13 (2) standardized data is collected regarding bias incidents and, when
14 appropriate, reported to the Office of the Vermont Attorney General or other
15 appropriate local, State, and federal law enforcement agencies; and

16 (3) individual rights protected by the Constitution or laws of Vermont or
17 by the Constitution or laws of the United States are not violated.

18 (b) Membership. The working group shall consist of a representative from:

19 (1) the Department of State’s Attorneys and Sheriffs;

20 (2) the Office of the Vermont Attorney General;

21 (3) the Vermont Association of Chiefs of Police;

1 (4) the Vermont Criminal Justice Training Council;

2 (5) the Vermont State Police;

3 (6) the Vermont Police Association;

4 (7) the Vermont Sheriffs' Association;

5 (8) the Department of Public Safety; and

6 (9) the Office of the Defender General.

7 (c) Duties. The working group shall, in consultation with the Human
8 Rights Commission, the Vermont Coalition for Ethnic and Social Equity in
9 Schools, Vermont Interfaith Action, the Vermont branches of the NAACP, the
10 Vermont chapter of the ACLU, and any other entities or individuals the
11 working group deems appropriate:

12 (1) Define "bias incident" for law enforcement purposes.

13 (2) Identify or develop best practices for law enforcement response to
14 bias incidents, including referrals for such incidents to appropriate local, State,
15 or federal law enforcement or the Office of the Vermont Attorney General.

16 (3) Establish a method to standardize the system of reporting bias
17 incidents in Vermont to the Office of the Vermont Attorney General and
18 appropriate local, State, and federal law enforcement agencies, including
19 establishing codes for bias incidents and ensuring that accurate data about bias
20 incidents is collected and tracked.

1 (4) Identify or develop appropriate law enforcement training on bias
2 incident response, reporting, and coding.

3 (5) On or before July 15, 2020, the working group shall report on its
4 actions, findings, and recommendations to the Joint Legislative Justice
5 Oversight Committee and the Vermont Criminal Justice Training Council.

6 (d) None of the recommendations or actions of the Bias Incident Reporting
7 Working Group shall interfere with individual rights protected by the
8 Constitution or laws of Vermont or by the Constitution or laws of the United
9 States.

10 Sec. 3. 20 V.S.A. § 2358 is amended to read:

11 § 2358. MINIMUM TRAINING STANDARDS

12 * * *

13 (e)(1) The criteria for all minimum training standards under this section
14 shall include hate crime, bias incident, and anti-bias training approved by the
15 Vermont Criminal Justice Training Council and training on the State, county,
16 or municipal law enforcement agency's fair and impartial policing policy,
17 adopted pursuant to subsection 2366(a) of this title.

18 (2) On or before December 31, 2018, law enforcement officers shall
19 receive ~~a minimum of four hours of~~ anti-bias training as required by this
20 subsection. On or before December 31, 2019, law enforcement officers shall
21 receive hate crime training as required by this subsection. On or before

1 December 31, 2021, law enforcement officers shall receive bias incident
2 training as required by this subsection.

3 (3) In order to remain certified, law enforcement officers shall receive a
4 refresher course or demonstrate proficiency in the training standards
5 established by the Vermont Criminal Justice Training Council on the training
6 required by this subsection during every odd-numbered year ~~in~~ through a
7 program approved by the Vermont Criminal Justice Training Council.

8 (4) The Criminal Justice Training Council shall, on an annual basis,
9 report to the Racial Disparities in the Criminal and Juvenile Justice System
10 Advisory Panel regarding:

11 (A) the adoption and implementation of the Panel's recommended
12 data collection methods and trainings and policies pursuant to 3 V.S.A.
13 § 168(f)(2) and (3);

14 (B) the incorporation of implicit bias training into the requirements of
15 basic training pursuant to this subsection; and

16 (C) the implementation of all trainings as required by this subsection.

17 Sec. 4. OFFICE OF THE ATTORNEY GENERAL; REPORT

18 On or before January 15, 2020 and annually thereafter, the Office of the
19 Attorney General shall submit a report to the House and Senate Committees on
20 Judiciary on:

1 (1) the number of criminal charges filed for a violation of 13 V.S.A.
2 §§ 1455–1456, the nature of the underlying crime, the disposition of those
3 charges, and whether a hate-motivated crime injunction was sought or issued
4 in connection with the underlying crime;

5 (2) the number of bias incidents referred to law enforcement or an
6 appropriate community-based entity; and

7 (3) a review of the training program designed to educate law
8 enforcement officers about investigating hate-motivated crimes and bias
9 incidents.

10 Sec. 5. EFFECTIVE DATE

11 This act shall take effect on passage.