

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2014**

Bill Number: S.286 Name of Bill: An Act Relating to an Assault of a Correctional Officer

Agency/Dept: VT State Police Author of Bill Review: Det Sgt Barbara Zonay

Date of Bill Review: 01/29/14 Status of Bill: (check one):

☒ Upon Introduction ☐ As passed by 1<sup>st</sup> body ☐ As passed by both bodies

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in # 8 below

**Analysis of Bill**

**1. Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*

This bill would address the issue that as part of Title 23 VSA 1028, Assault of Law Enforcement Officer, Firefighter, Emergency Medical Personnel Member, or Health Care Worker; Assault with Bodily Fluids, Correctional Officers are not currently covered by this law. This bill would include Correctional Officers in the statute that makes it a simple or aggravated assault for a subject to intentionally contact a person covered in this section, while performing a lawful duty, with blood, vomitus, excrement, urine, mucus, saliva or semen. It is intended to include Correctional Officers under this statute to protect them, by making it illegal to be assaulted with bodily fluids.

**2. Is there a need for this bill?** *Please explain why or why not.*

Yes. There is currently no law against intentionally exposing or causing Correctional Officers to come in contact with bodily fluids. Therefore there is no legal deterrent or ramifications for subjects assaulting Correctional Officers in this manner.

**3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

If this bill became law, it would cause the workload to increase for VSP BCI, who investigate the assaults at the correctional facilities. This in turn could cause a small increase in overtime for detectives, however most of these investigations could be done between the hours of 0800-1700. As time goes on, however, the law would become more widely known, which could cause a decrease in assaults such as these. There would likely be very little if any fiscal or programmatic implications for Vermont State Police.

**4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

This bill, if it became law, would cause an increase in workload for the State's attorney's offices in the state as they process the charges. It may also affect the Corrections Department as they document the incident in order for it to accurately investigated by Vermont State Police Investigators.

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**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)*

With numerous other organizations, businesses, public and private entities throughout Vermont, all with their own missions and protocols, it would be unrealistic for me to assess how this bill would affect them.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?**

Persons in the State's Attorney office are supportive of this bill. Correctional Officers daily face the prospect of being spit at and having bodily fluids thrown at them. The benefit of this charge from the prosecutor's standpoint, also, is that the second time it occurs, a felony can be charged on the offender. The Department of Corrections is also in support of this bill. There have been multiple incidents of this type occurring over the years. This law could reduce the number of incidents overall.

**6.2 Who else is likely to oppose the proposal and why?**

There are not likely to be opponents to this law other than the offenders.

**7. Rationale for recommendation:** *Justify recommendation stated above.*

If this bill were passed into law, it would provide equal protection for Correctional Officers, as it currently provides protection for Law Enforcement and emergency medical personnel. It is a means to deter this sort of crime, and a means to charge those offenders that assault Corrections Officers in this manner.

**8. Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

Secretary/Commissioner has reviewed this document



Date: 2/11/14