

1 Introduced by Senators Campion and Sears  
2 Referred to Committee on  
3 Date:  
4 Subject: Crimes; hate crimes; standardized reporting; data collection  
5 Statement of purpose of bill as introduced: This bill proposes to 1) expand the  
6 authority of the Attorney General to investigate bias-motivated incidents and  
7 enforce civil penalties; 2) create a working group to establish a system of  
8 uniform reporting of bias-motivated incidents; 3) require minimum training  
9 standards for law enforcement officers to include trainings on hate crimes and  
10 bias incidents; and 4) require the Attorney General to report annually to the  
11 General Assembly on hate crimes and bias incidents.

12 An act relating to hate crimes and bias-motivated incidents

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

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

15 § 1466. CIVIL PENALTIES; ENFORCEMENT

16 (a) The Attorney General may seek the imposition of a civil penalty of not  
17 more than \$5,000.00, plus costs and reasonable attorney’s fees for each  
18 violation of section 1455 or 1456 of this title, including violations of any  
19 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-motivated  
8        incidents consistently among all law enforcement agencies or entities. The  
9        goal of the group shall be to ensure that:

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

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

17        (3) individual rights under applicable law are not violated.

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

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

20        (2) the Office of the Attorney General;

21        (3) the Association of Chiefs of Police;

1           (4) the Criminal Justice Training Council;

2           (5) the Vermont State Police;

3           (6) the Vermont Police Association;

4           (7) the Vermont Sheriffs' Association; and

5           (8) the Department of Public Safety.

6           (c) Duties. The working group shall:

7           (1) Define “bias-related incident” for law enforcement purposes.

8           (2) Identify or develop best practices for a law enforcement's

9           enforcement agency's initial response to bias-related incidents and including

10           standardize referrals for such incidents to appropriate local, state and federal

11           law enforcement or community-based entities the Office of the Vermont

12           Attorney General.

13           (3) Establish a method to standardize the system of reporting bias-

14           motivated incidents in Vermont to the Office of the Vermont Attorney General

15           and appropriate local, state and federal law enforcement agencies, including

16           how to consistently establishing codes for such incidents and ensure ensuring

17           that accurate data about such incidents is collected and tracked.

18           (4) Recommend appropriate training.

19           (5) Consult with the Executive Director of the Vermont Human Rights

20           Commission or designee, the President of the Rutland Chapter of the NAACP

21           or designee, the Executive Director of the ACLU or designee and, at the

1 discretion of the working group, other entities or individuals the working group  
2 deems appropriate.

3 (6) None of the working group’s recommendations or actions under this  
4 subsection shall interfere with individual rights under applicable law.

5 (4)(7) The working group shall report on its findings, actions and  
6 specific recommendations, including recommendations for mandatory bias-  
7 motivated incident trainings for law enforcement, to the Joint Legislative  
8 Justice Oversight Committee and the Vermont Criminal Justice Training  
9 Council on or before July 15, 2020.

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 20192018, law enforcement  
19 officers shall receive a minimum of four hours of anti-bias training as required  
20 by this subsection. On or before December 31, 2019, law enforcement officers  
21 shall receive training on hate crime as required by this subsection. On or

1 before 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 on the training or demonstrate proficiency in the training  
5 standards established by the Vermont Criminal Justice Council in connection  
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. Sec. 3. 20 V.S.A. § 2358 is amended to read:

18 ~~§ 2358. MINIMUM TRAINING STANDARDS~~

19 \* \* \*

20 ~~(e)(1) The criteria for all minimum training standards under this section~~  
21 ~~shall include hate crime, bias incident, and anti-bias training approved by the~~

1 ~~Vermont Criminal Justice Training Council and training on the State, county,~~  
2 ~~or municipal law enforcement agency's fair and impartial policing policy,~~  
3 ~~adopted pursuant to subsection 2366(a) of this title.~~

4 ~~(2) On or before December 31, 2018 2019, law enforcement officers~~  
5 ~~shall receive a minimum of four hours of training as required by this~~  
6 ~~subsection.~~

7 ~~(3) In order to remain certified, law enforcement officers shall receive a~~  
8 ~~refresher course on the training required by this subsection during every odd-~~  
9 ~~numbered year in a program approved by the Vermont Criminal Justice~~  
10 ~~Training Council.~~

11 ~~(4) The Criminal Justice Training Council shall, on an annual basis,~~  
12 ~~report to the Racial Disparities in the Criminal and Juvenile Justice System~~  
13 ~~Advisory Panel regarding:~~

14 ~~(A) the adoption and implementation of the Panel's recommended~~  
15 ~~data collection methods and trainings and policies pursuant to 3 V.S.A.~~  
16 ~~§ 168(f)(2) and (3);~~

17 ~~(B) the incorporation of implicit bias training into the requirements of~~  
18 ~~basic training pursuant to this subsection; and~~

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

20 Sec. 5. OFFICE OF THE ATTORNEY GENERAL; REPORT

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

4                   (1) the number of criminal charges filed for a violation 13 V.S.A.  
5                   §§ 1455–1456, the nature of the underlying crime, the disposition of those  
6                   charges, and whether a hate-motivated crime injunction was sought or issued  
7                   in connection with the underlying crime;

8                   (2) the number of bias-~~motivated~~ incidents referred to law enforcement  
9                   or an appropriate community-based entity; and

10                   (3) a review of the training program designed to educate law  
11                   enforcement officers about investigating hate-motivated crimes and bias  
12                   ~~related~~ incidents.

13           Sec. 6. EFFECTIVE DATE

14                   This act shall take effect on passage, except that Sec. 4 (mandatory training)  
15                   shall take effect on January 1, 2021.