

1 H.251

2 Introduced by Representatives LaLonde of South Burlington and McCarthy of
3 St. Albans City

4 Referred to Committee on

5 Date:

6 Subject: Government operations; law enforcement; misconduct

7 Statement of purpose of bill as introduced: This bill proposes to add the
8 issuance of a *Brady* or *Giglio* letter as a basis of law enforcement misconduct
9 under the jurisdiction of the Vermont Criminal Justice Council. The bill also
10 provides the Council the ability to rescind a *Brady* or *Giglio* letter if the law
11 enforcement officer is exonerated after an evidentiary hearing.

12 An act relating to the issuance of a *Brady* or *Giglio* letter as misconduct
13 under jurisdiction of the Vermont Criminal Justice Council

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

15 Sec. 1. 20 V.S.A. § 2401 is amended to read:

16 § 2401. DEFINITIONS

17 As used in this subchapter:

18 (1) “Category A conduct” means:

19 (A) A felony.

1 (B) A misdemeanor that is committed while on duty and did not
2 involve the legitimate performance of duty.

3 (C) Any of the following misdemeanors, if committed off duty:

4 (i) simple assault, second offense;

5 (ii) domestic assault;

6 (iii) false reports and statements;

7 (iv) driving under the influence, second offense;

8 (v) violation of a relief from abuse order or of a condition of
9 release;

10 (vi) stalking;

11 (vii) false pretenses;

12 (viii) voyeurism;

13 (ix) prostitution or soliciting prostitution;

14 (x) distribution of a regulated substance;

15 (xi) simple assault on a law enforcement officer; or

16 (xii) possession of a regulated substance, second offense.

17 (2) “Category B conduct” means gross professional misconduct
18 amounting to actions on duty or under authority of the State, or both, that
19 involve willful failure to comply with a State-required policy or substantial
20 deviation from professional conduct as defined by the law enforcement

1 agency's policy or if not defined by the agency's policy, then as defined by
2 Council policy, and shall include:

3 (A) sexual harassment involving physical contact or misuse of
4 position;

5 (B) misuse of official position for personal or economic gain;

6 (C) excessive use of force under authority of the State, first offense;

7 (D) biased enforcement;

8 (E) use of electronic criminal records database for personal, political,
9 or economic gain;

10 (F) placing a person in a chokehold;

11 (G) failing to intervene and report to a supervisor when the officer
12 observes another officer placing a person in a chokehold or using excessive
13 force; or

14 (H) bias, untruthfulness, or other potentially exculpatory and
15 impeachment evidence resulting in the issuance of a *Brady* or *Giglio* letter by a
16 prosecutor.

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18 Sec. 2. 20 V.S.A. § 2406 is amended to read:

19 § 2406. PERMITTED COUNCIL SANCTIONS AND ACTIONS

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