1	S.96
2	Introduced by Senator McCormack
3	Referred to Committee on
4	Date:
5	Subject: Public records; criminal investigation records
6	Statement of purpose of bill as introduced: This bill proposes to permit the
7	disclosure under the Public Records Act of records related to investigations
8	into alleged criminal conduct by law enforcement officers for actions taken in
9	the course of employment. The Public Records Act currently exempts from
10	disclosure all records dealing with the detection and investigation of crime.
11 12	An act relating to criminal investigation records related to alleged criminal conduct by law enforcement officers
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. 1 V.S.A. § 317 is amended to read:
15	§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND

- 16 DOCUMENTS
- 17 (a) As used in this subchapter:
- 18 (1) "Business day" means a day that a public agency is open to provide19 services.

1	(2) "Public agency" or "agency" means any agency, board, department,
2	commission, committee, branch, instrumentality, or authority of the state State
3	or any agency, board, committee, department, branch, instrumentality,
4	commission, or authority of any political subdivision of the state State.
5	(3) "Law enforcement officer" means a person certified by the Vermont
6	Criminal Justice Training Council as having satisfactorily completed the
7	approved training programs required to meet the minimum training standards
8	applicable to that person under 20 V.S.A. § 2358.
9	(4) "Prosecutorial agency" means the Vermont Attorney General's
10	Office, a State's Attorney's Office, the United States Attorney for the District
11	of Vermont, or an equivalent agency in another state.
12	(b) As used in this subchapter, "public record" or "public document" means
13	any written or recorded information, regardless of physical form or
14	characteristics, which is produced or acquired in the course of public agency
15	business. Individual salaries and benefits of and salary schedules relating to
16	elected or appointed officials and employees of public agencies shall not be
17	exempt from public inspection and copying.
18	(c) The following public records are exempt from public inspection and
19	copying:
20	* * *

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BILL AS INTRODUCED 2013

1	(5) records dealing with the detection and investigation of crime,
2	including those maintained on any individual or compiled in the course of a
3	criminal or disciplinary investigation by any police or professional licensing
4	agency; provided, however, that, except the following records:
5	(A) records relating to management and direction of a law
6	enforcement agency;
7	(B) records reflecting the initial arrest of a person, including any
8	ticket, citation, or complaint issued for a traffic violation, as that term is
9	defined in 23 V.S.A. § 2302; and
10	(C) records reflecting the charge of a person shall be public; and
11	(D) records dealing with the detection and investigation of a crime
12	alleged to have been committed by a law enforcement officer while acting
13	within the scope of the officer's employment while on duty as a law
14	enforcement officer. This exception shall apply after the final conclusion of
15	any prosecution, after the expiration of any criminal statute of limitations, or
16	upon certification by a prosecutorial agency that the investigation or
17	prosecution is closed.
18	* * *

Sec. 2. Rule 6 of the Vermont Rules of Criminal Procedure is amended to
read:

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3 RULE 6. THE GRAND JURY

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5 (f) Secrecy of Proceedings and Disclosure. Disclosure of matters occurring 6 before the grand jury other than its deliberations and the vote of any juror may 7 be made to the prosecuting attorneys for use in the performance of their duties. 8 Otherwise, a juror, attorney, interpreter, court reporter, operator of a recording 9 device, or any typist who transcribes recorded testimony may disclose matters 10 occurring before the grand jury only when so directed by the court 11 preliminarily to or in connection with a judicial proceeding, or as provided in 12 Rule 16(a)(2). No obligation of secrecy may be imposed upon any person 13 except in accordance with this rule. The court may direct that an indictment 14 shall be kept secret until the defendant is in custody or has given bail, and in 15 that event the clerk shall seal the indictment and no person shall disclose the 16 finding of the indictment except when necessary for the issuance and execution 17 of a warrant or summons. Notwithstanding the foregoing, the Attorney 18 General or a State's Attorney may disclose the decision of a grand jury not to 19 return a true bill in a matter involving actions committed by a law enforcement 20 officer while acting within the scope of employment or while on duty as a law enforcement officer. 21

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- 2 Sec. 3. EFFECTIVE DATE
- 3 <u>This act shall take effect on passage.</u>