

**Overview of S.17 HGOMA Amendment**  
**(An Act Relating To Sheriff Reforms)**

This is an overview of the House Committee on Government Operations & Military Affairs' (HGO&MA) strike-all amendment to S.17, an act relating to sheriff reform.

\*\*\* Findings \*\*\*

Sec. 1 describes HGO&MA's findings.

\*\*\* Audits \*\*\*

Sec. 2 amends [24 V.S.A. § 290 \(county sheriff's department\)](#), subsection (d), which pertains to accountability for sheriff's department's finances during a period of transition from the current sheriff to the sheriff-elect. The amendment will:

- add two circumstances signifying when this transitional period will begin;
- require sheriffs to provide a written transition plan to the assistant judges; and
- enable the Sheriffs' Executive Committee plan to approve a disbursement or transfer of assets if an assistant judge does not.

Sec. 3 amends [24 V.S.A. § 290b \(audits\)](#), which pertains to audits of sheriff's departments performed by the State Auditor. The amendment will:

- require sheriff's departments to inform the Auditor if a sheriff or deputy establishes a nonpublic organization of which the sheriff or any employee of the sheriff is a director and that has a mission or purpose of supplementing the efforts of the sheriff's department, and related activities must be subsequently reported to the Auditor as well;
- remove the requirement that the State Auditor audit a sheriff's department every time the incumbent sheriff leaves office (the Auditor may still audit a sheriff's department at any time under the remaining statute); and
- require that sheriff's departments cover the costs of those audits.

\*\*\* Conflicts of Interest \*\*\*

Sec. 4 adds 24 V.S.A. § 314 to create 'conflict of interest' requirements for sheriffs and deputies. This section is based on the existing State Code of Ethics ([3 V.S.A. Chapter 31](#)). The notable difference is that the definition of 'conflict of interest' is broadened to include affiliated organizations ("[a] conflict of interest may also exist when a member of a sheriff's or deputy sheriff's immediate family or household, or the sheriff's or deputy sheriff's business associate, or an organization with which the sheriff or deputy sheriff is affiliated, interferes with the proper discharge of a lawful duty").

Sec. 4a adds 24 V.S.A. § 3145 to create an annual disclosure requirement for sheriffs. This section is based on the existing disclosure requirements in the State Code of Ethics, specifically, [3 V.S.A. § 1211 \(executive officers; annual disclosure\)](#).

\* \* \* Sheriff Contracts \* \* \*

Sec. 5 amends [24 V.S.A. § 291a \(contracts\)](#) subsection (c) and adds a new subsection (f). (Note: the amendments to (b) correct outdated terminology; this section applies to *all* the contracts to which sheriff’s departments are a party, not only municipal contracts.)

Subsection (c), as modified, continues to permit administrative overhead fees in sheriff’s departments’ contracts, but if those funds are expended on compensation-related uses, the sheriff must follow a model policy created and maintained by the Department of State’s Attorneys and Sheriffs in doing so.

The new subsection (f) requires an agreement or contract for sheriff’s departments to provide law enforcement or security services to county and State courthouses under a single, statewide contract.

Sec. 5a is session law that will require the Department of State’s Attorneys and Sheriffs to develop a “Sheriff’s Departments Compensation and Benefits Model Policy” and submit it for review and approval to the Vermont Criminal Justice Council by January 1, 2024. Each sheriff’s department must adopt this model policy by July 1, 2024.

Sec. 5b will amend [24 V.S.A. § 367 \(department of state’s attorneys and sheriffs\)](#) to codify a new “Director of Sheriffs’ Operations” who will “provide centralized support services for the sheriffs with respect to budgetary planning, policy development and compliance, training, and office management, and perform such other duties as directed by the Executive Director.”

Sec. 5c is session law and formally creates the position of Director of Sheriffs’ Operations in the Department of State’s Attorneys and Sheriffs. It will be full-time and exempt. The Department of State’s Attorneys and Sheriffs provided testimony to HGO&MA that there currently exists a vacant director position which could be reclassified as the Director of Sheriffs’ Operations position.

\* \* \* Sheriff Duties \* \* \*

Sec. 6 will amend [24 V.S.A. § 293 \(duties\)](#) adding two new subsections and duties of sheriffs, requiring:

- (b) that sheriffs maintain a record of their work schedules;
- (c) that sheriff’s departments provide assistance to individuals with a “relief from abuse order” to retrieve personal belongings (what is typically referred to as a “standby service”), if asked and if within the sheriff’s county.

Sec. 6a creates a new chapter in [Title 20 \(Internal Security and Public Safety\)](#) to be named Chapter 209. General Law Enforcement Services. Sec. 6a will add one new section to this chapter, § 4661. Prohibition; Standby Fees, which will prohibit all law enforcement officers and law enforcement agencies from seeking a fee for standby services.

Sec. 6b is session law that will require the Department of State’s Attorneys and Sheriffs to report back with data regarding the provision of standby services by sheriff’s departments.

Sec. 7 is session law that will seeks the Judiciary to report back with recommendations regarding the number of sheriff’s deputies needed to be made available to provide law enforcement and security services to county and State courthouses to facilitate regular courthouse operations.

Sec. 8 amends [24 V.S.A. § 299 \(Duties as Peace Officer\)](#) to modernize use-of-force terminology, bringing this into conformity with existing language with 20 V.S.A. chapter 151.

\*\*\* Repeal of Penalty for Refusal to Assist a Sheriff \*\*\*

Sec. 9 will repeal [24 V.S.A. § 301 \(penalty for refusal to assist\)](#), the penalty for refusing to assist a sheriff.

\*\*\* Sheriff’s Departments Oversight Report \*\*\*

Sec. 10 is session law that will require the Department of State’s Attorneys and Sheriffs to report back on recommendations on reforming sheriff’s department’s operations, specifically including:

- (1) recommended policies and best practices to be included in standard operating procedures, manuals and policy manuals;
- (2) increasing efficiency and equity in the delivery of public safety services by sheriff’s departments;
- (3) recommendations for the compensation structure and levels of sheriffs, deputies, and departmental staff, including salaries, overtime, retirement, and benefits;
- (4) the duties of sheriffs, including law enforcement and administration of sheriff’s departments;
- (5) recommended membership and duties of an advisory commission for sheriffs comparable to, or combined with, the Vermont State Police Advisory Commission, as related to both conduct and administration of sheriff’s departments;
- (6) the creation of a sustainable funding model for sheriff’s departments, including the consolidation or reorganization of sheriff’s departments;
- (7) recommendations for the Department of State’s Attorneys and Sheriffs to better provide oversight and support for State’s Attorneys and sheriffs; and

- (8) recommendations for the scope and timing of public sector management training that sheriffs should receive upon election and on a continuing basis to ensure departmental operations and management of public funds are consistent with generally accepted standards.

\* \* \* Effective Dates \* \* \*

Sec. 11, “Effective Dates,” has the provisions of the bill taking effect on passage, except that Sec. 5 (amending 24 V.S.A. § 291a regarding sheriff’s contracting) will take effect on January 1, 2024.