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S.17

Introduced by Senators Sears, Hardy, Baruth, Campion, Clarkson, Hashim,
Ram Hinsdale, Vyhovsky, Watson and White

Referred to Committee on

Date:

Subject: Municipal and county government; counties; county officers; powers
and duties; sheriffs

Statement of purpose of bill as introduced: This bill proposes to add
subcategories of unprofessional conduct for law enforcement officers
reviewable by the Vermont Criminal Justice Council, prohibit sheriffs from
collecting compensation for administration of contracts or related services,
repeal the penalty for refusal to assist a sheriff, and require the Secretary of
State and the Department of State’s Attorneys and Sheriffs to review and
report on the number of sheriff’s departments.

An act relating to sheriff reforms

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

* * * Unprofessional Conduct of Law Enforcement Officers Reviewable by the
Vermont Criminal Justice Council * * *

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

§ 2401. DEFINITIONS

1 As used in this subchapter:

2 * * *

3 (2) “Category B conduct” means gross professional misconduct
4 amounting to actions on duty or under authority of the State, or both, that
5 involve willful failure to comply with a State-required policy or substantial
6 deviation from professional conduct as defined by the law enforcement
7 agency’s policy or, if not defined by the agency’s policy, then as defined by
8 Council policy, and shall include any one or more of the following:

9 (A) sexual harassment involving physical contact or misuse of
10 position;

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

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

13 (D) biased enforcement;

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

16 (F) placing a person in a chokehold;

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

20 (H) gross negligence or willful misconduct in the performance of
21 duties; and

1 (I) abuse of the powers granted through law enforcement officer
2 certification pursuant to section 2358 of this title.

3 * * *

4 * * * Sheriff Contracts * * *

5 Sec. 2. 24 V.S.A. § 291a is amended to read:

6 § 291a. CONTRACTS

7 * * *

8 (b) A contract made with a ~~town~~ municipality or county to provide law
9 enforcement or related services shall contain provisions governing the
10 following subjects as best suit the needs of the parties:

11 * * *

12 (4) the type, frequency, and information to be contained in reports
13 submitted by the sheriff’s department to the ~~town~~ municipality or county;

14 * * *

15 (c) A contract under this section ~~may~~ shall not contain provisions for
16 compensation to the sheriff for administration of the contract and related
17 services. ~~No compensation may be paid to a sheriff for administration of the~~
18 ~~contract or related services unless the contract sets forth in writing the rate or~~
19 ~~method of calculation for the compensation and a schedule of payment;~~
20 ~~provided that a sheriff’s compensation for administration shall not exceed five~~
21 ~~percent of the contract.~~ A sheriff’s rate of compensation shall be at a rate

1 equivalent to other employees of the department who provide similar services
2 under the contract. Compensation to the sheriff shall be made in accordance
3 with the schedule set forth in the contract, but in no event may a sheriff be
4 compensated for administration of the contract and related services unless the
5 compensation is made in the same calendar year in which the revenue was
6 received by the department under the contract.

7 * * *

8 * * * Duties as Peace Officer * * *

9 Sec. 3. 24 V.S.A. § 299 is amended to read:

10 § 299. DUTIES AS PEACE OFFICER

11 A sheriff shall preserve the peace, ~~and suppress, with force and strong hand,~~
12 ~~if necessary, unlawful disorder~~ using force only as permitted pursuant to 20
13 V.S.A. chapter 151. ~~He or she~~ A sheriff may apprehend, without warrant,
14 ~~persons~~ individuals assembled in disturbance of the peace; and bring them
15 before a the Criminal Division of the Superior Court, which shall proceed with
16 such ~~person~~ individuals as with ~~persons~~ individuals brought before it by
17 process issued by ~~such~~ the court.

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

19 Sec. 4. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

20 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

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* * * Report * * *

Sec. 5. REVIEW OF NUMBER OF SHERIFF'S DEPARTMENTS; REPORT

On or before January 1, 2024, the Secretary of State and the Department of State's Attorneys and Sheriffs shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations with findings and any recommendations for legislative action on:

(1) the necessary number of sheriff's departments in the State; and

(2) the precise boundaries of any proposed district in which a sheriff's department is to be established.

* * * Effective Date * * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.