

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 17 entitled “An act relating to sheriff reforms” respectfully reports that
4 it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

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

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

10 § 2401. DEFINITIONS

11 As used in this subchapter:

12 * * *

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

19 (A) sexual harassment involving physical contact or misuse of
20 position;

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

- 1 (C) excessive use of force under authority of the State, first offense;
- 2 (D) biased enforcement;
- 3 (E) use of electronic criminal records database for personal, political,
- 4 or economic gain;
- 5 (F) placing a person in a chokehold;
- 6 (G) failing to intervene and report to a supervisor when the officer
- 7 observes another officer placing a person in a chokehold or using excessive
- 8 force;
- 9 (H) gross negligence or willful misconduct in the performance of
- 10 duties; and
- 11 (I) abuse of the powers granted through law enforcement officer
- 12 certification pursuant to section 2358 of this title.

13 * * *

14 * * * Audits * * *

15 Sec. 2. 24 V.S.A. § 290 is amended to read:

16 § 290. COUNTY SHERIFF'S DEPARTMENT

17 * * *

- 18 (d) Upon the election of a sheriff-elect who is not the incumbent sheriff, ~~or~~
- 19 upon notice of the resignation of the sheriff, an announcement that the
- 20 incumbent sheriff will not seek re-election or an announcement that the
- 21 incumbent sheriff intends to resign, whichever occurs earliest, all financial

1 disbursements from the accounts of the department, including the transfer of
2 real or personal property, or other assets, of the department, shall be co-signed
3 by the sheriff and the assistant judges. A report of all financial disbursements
4 or transfers made pursuant to this subsection shall be forwarded by the
5 assistant judges to the Auditor of Accounts within 15 days of completion of the
6 ~~out going sheriff's duties~~ following the sheriff leaving office.

7 Sec. 3. 24 V.S.A. § 290b is amended to read:

8 § 290b. AUDITS

9 * * *

10 (b) The Auditor of Accounts shall adopt and sheriffs shall comply with a
11 uniform system of accounts, controls, and procedures for the sheriff's
12 department, which accurately reflects the receipt and disbursement of all funds
13 by the department, the sheriff, and all employees of the department. The
14 uniform system shall include:

15 * * *

16 (8) procedures and controls ~~which~~ that identify revenues received from
17 public entities through appropriations or grants from the federal, State, or local
18 governments from revenues received through contracts with private entities;
19 and

20 (9) procedures to notify the Auditor of Accounts and the Department of
21 State's Attorneys and Sheriffs of the establishment and activities of any

1 nonpublic organization of which the sheriff or any employee of the sheriff is a
2 director and which has a mission or purpose of supplementing the efforts of the
3 sheriff's department; and

4 (9)(10) other procedures and requirements as the Auditor of Accounts
5 deems necessary.

6 (c) The Auditor of Accounts and his or her the Auditor's designee may at
7 any time examine the records, accounts, books, papers, contracts, reports, and
8 other materials of the county sheriff departments as they pertain to the
9 financial transactions, obligations, assets, and receipts of that department. The
10 Auditor or his or her designee shall conduct an audit of the accounts for a
11 sheriff's department whenever the incumbent sheriff leaves office, and the
12 auditor shall charge for the any associated costs of the report pursuant to in the
13 same manner described in 32 V.S.A. § 168(b).

14 * * *

15 * * * Sheriff Contracts * * *

16 Sec. 4. 24 V.S.A. § 291a is amended to read:

17 § 291a. CONTRACTS

18 * * *

19 (b) A contract made with a town, city, village, or county to provide law
20 enforcement or related services shall contain provisions governing the
21 following subjects as best suit the needs of the parties:

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(4) the type, frequency, and information to be contained in reports submitted by the sheriff's department to the town, city, village, or county;

* * *

(c) A contract under this section ~~may~~ shall not contain provisions for compensation to the sheriff for administration of the contract and related services. ~~No compensation may be paid to a sheriff for administration of the contract or related services unless the contract sets forth in writing the rate or method of calculation for the compensation and a schedule of payment; provided that a sheriff's compensation for administration shall not exceed five percent of the contract.~~ A sheriff's rate of compensation shall be at a rate equivalent to other employees of the department who provide similar services under the contract. Compensation to the sheriff shall be made in accordance with the schedule set forth in the contract, but in no event may a sheriff be compensated for administration of the contract and related services unless the compensation is made in the same calendar year in which the revenue was received by the department under the contract.

* * *

(f) An agreement or contract to provide law enforcement or other related services, including security service, on county property must be a single-statewide contract for such services over all county properties and be between

1 all sheriff's departments and assistant judges. Within 30 days of executing
2 such a contract, the contract shall:

3 (1) be posted on the website of each sheriff's department, and on the
4 website of each county courthouse;

5 (2) be posted in three public places in each county by the assistant
6 judges; and

7 (3) be published in all daily newspapers having general circulation in
8 each county, and at the expense of the assistant judges.

9 * * * Sheriff Duties * * *

10 Sec. 5. 24 V.S.A. § 293 is amended to read:

11 § 293. DUTIES

12 (a) A sheriff so commissioned and sworn shall serve and execute lawful
13 writs, warrants, and processes directed to ~~him or her~~ the sheriff, according to
14 the precept thereof, and do all other things pertaining to the office of sheriff.

15 (b) A sheriff shall assist in the retrieval of personal belongings from the
16 residence of a person who has a relief from abuse order pursuant to 15 V.S.A.
17 § 1103.

18 (1) A sheriff shall not seek a fee from the person being assisted in this
19 subsection or any representative of that person.

20 (2) A sheriff may ask another law enforcement agency providing law
21 enforcement services for the location of the person being assisted in this

1 subsection to assist that person if the sheriff is unable to perform this duty at
2 the time needed.

3 (c) A sheriff shall provide deputy sheriffs for court security purposes at
4 each courthouse within the county.

5 Sec. 6. 24 V.S.A. § 299 is amended to read:

6 § 299. DUTIES AS PEACE OFFICER

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

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

15 Sec. 7. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

16 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

17 * * * Report * * *

18 Sec. 8. REVIEW OF NUMBER OF SHERIFF'S DEPARTMENTS; REPORT

19 On or before January 1, 2024, the Department of State's Attorneys and
20 Sheriffs, in consultation with the Vermont Sheriffs' Association, shall report to
21 the House Committee on Government Operations and Military Affairs and the

1 Senate Committee on Government Operations with findings and any
2 recommendations for legislative action on:

3 (1) the necessary number of sheriff’s departments in the State;

4 (2) the precise boundaries of any proposed district in which a sheriff’s
5 department is to be established;

6 (3) the compensation of sheriffs, deputies, and departmental staff,
7 including, salaries, overtime, and bonuses;

8 (4) the duties of sheriffs, as related to both law enforcement and
9 administration of sheriff’s departments; and

10 (5) oversight of sheriffs, as related to both conduct and administration of
11 sheriff’s departments.

12 * * * Effective Date * * *

13 Sec. 9. EFFECTIVE DATE

14 This act shall take effect on passage.

15 (Committee vote: _____)

16 _____

17 Senator _____

18 FOR THE COMMITTEE