

1 H.578

2 Introduced by Representatives McDonald of Berlin, Sweaney of Windsor,  
3 Atkins of Winooski, Consejo of Sheldon, Devereux of Mount  
4 Holly, Evans of Essex, Higley of Lowell, Hubert of Milton and  
5 Martin of Wolcott

6 Referred to Committee on

7 Date:

8 Subject: Public safety; state law enforcement officers

9 Statement of purpose: This bill proposes to require that all state law  
10 enforcement officers, including those employed by the liquor control board,  
11 the department of fish and wildlife, and the department of motor vehicles,  
12 serve at the direction and control of the commissioner of public safety.

13 An act relating to requiring all state law enforcement officers to serve under  
14 the direction and control of the commissioner of public safety

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

16 ~~Sec. 1. 7 V.S.A. § 104 is amended to read:~~

17 ~~§ 104. DUTIES~~

18 ~~The board shall have supervision and management of the sale of spirituous~~  
19 ~~liquors within the state in accordance with the provisions of this title, and~~  
20 ~~through the commissioner of liquor control shall:~~



1 ~~public safety and any other law enforcement officer may arrest or take into~~  
2 custody pursuant to the Vermont Rules of Criminal Procedure, a person whom  
3 he or she finds in the act of manufacturing alcohol or possessing a still, or  
4 other apparatus for the manufacture of alcohol, or unlawfully selling, bartering,  
5 possessing, furnishing, or transporting alcohol, or unlawfully selling,  
6 furnishing, or transporting spirituous liquor, or malt and vinous beverages, and  
7 shall seize the liquors, alcohol, vessels, and implements of sale and the stills or  
8 other apparatus for the manufacture of alcohol in the possession of the person.  
9 He or she may also seize and take into custody any property described in this  
10 section.

11 Sec. 3. 10 V.S.A. § 4191 is amended to read:

12 § 4191. GAME WARDENS, NUMBER, RECORD

13 (a) The commissioner of public safety, in consultation with the  
14 commissioner of fish and wildlife, with the approval of the governor, may  
15 employ a chief game warden and as many state game wardens as may be  
16 required for the proper enforcement of the fish and wildlife laws of the state.  
17 These officers shall be included in the classified service created in chapter 13  
18 of Title 3. These officers and deputy game wardens employed as herein  
19 provided shall be sworn to the faithful performance of their duties. The  
20 commissioner of public safety, in consultation with the commissioner of fish  
21 and wildlife, may appoint and employ for a limited time as many deputy game

1 ~~wardens as deemed necessary. The number of game wardens shall be~~  
2 determined by the commissioner of public safety, in consultation with the  
3 commissioner of fish and wildlife, with the approval of the governor. A copy  
4 of the appointment and oath of office of each game warden and deputy shall be  
5 filed in the office of the ~~commissioner~~ commissioners of public safety and of  
6 fish and wildlife.

7 (b) While so employed, game wardens shall devote their entire time to the  
8 discharge of their duties and shall not be engaged in any other business without  
9 having first obtained permission to do so from the commissioner of public  
10 safety. The commissioner of public safety may grant permission if it appears  
11 that the outside employment will not render the warden unavailable during an  
12 emergency, will not physically or mentally exhaust the warden to the point that  
13 performance of duties might be affected and will not require that any special  
14 consideration be given to scheduling of regular duty hours.

15 Sec. 4. 10 V.S.A. § 4196 is amended to read:

16 § 4196. INSTRUCTIONS AND MEETINGS

17 The chief game warden, with the advice and consent of the commissioner of  
18 public safety, in consultation with the commissioner of fish and wildlife, shall  
19 instruct and assist the game wardens in their duties and from time to time may  
20 call such wardens together at some time and place designated by the  
21 commissioner for instruction in their duties.

1 ~~Sec. 5. 10 V.S.A. § 4197 is amended to read:~~

2 § 4197. RECORDS AND REPORTS

3 A game warden shall keep a record of his or her official acts in the manner  
4 and form prescribed by the commissioner of public safety. ~~He~~ A game warden  
5 shall submit ~~such~~ the record and ~~such~~ reports to the commissioner of public  
6 safety as ~~he~~ the commissioner may require.

7 Sec. 6. 10 V.S.A. § 4199 is amended to read:

8 § 4199. RECIPROCAL ASSISTANCE AGREEMENTS

9 (a) In this section, “officer” means a game warden, a conservation law  
10 enforcement officer, or a person in another state charged with enforcing the  
11 fish and wildlife laws of that state.

12 (b) The commissioner of public safety, in consultation with the  
13 commissioner of fish and wildlife, may enter into a reciprocal assistance  
14 agreement with his or her counterpart in any other state. An agreement made  
15 under this section shall be for the purpose of cooperating and assisting each  
16 other in detecting and apprehending people violating the fish and wildlife or  
17 environmental laws of the state, subject to the limitations of section 4192 of  
18 this title.

19 (c) Pursuant to an agreement under this section, the commissioner of public  
20 safety may send fish and wildlife wardens into another state for the purpose of

1 ~~assisting the officers of that state and may accept officers of another state into~~

2 Vermont for the purpose of assisting Vermont wardens.

3 \* \* \*

4 Sec. 7. 20 V.S.A. § 1871 is amended to read:

5 § 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER

6 (a) The department of public safety, created by section 212 of Title 3, shall  
7 include a commissioner of public safety and the following divisions:

8 (1) state police;

9 (2) liquor control law enforcement;

10 (3) fish and wildlife law enforcement;

11 (4) motor vehicle law enforcement and safety;

12 (5) emergency management;

13 (6) fire safety;

14 (7) administration.

15 (b) The head of the department shall be a commissioner of public safety,  
16 who shall be a citizen of the United States and shall be selected on the basis of  
17 training, experience and qualifications. The commissioner shall be appointed  
18 by the governor, with the advice and consent of the senate, for a term of six  
19 years. Each division shall be headed by a director.

20 \* \* \*

1 ~~Sec. 8. 20 V.S.A. § 1872 is amended to read:~~

2 § 1872. DUTIES OF COMMISSIONER GENERALLY

3 (a) The commissioner shall be the chief enforcement officer of all the  
4 statutes, rules and regulations pertaining to the law of the road and the display  
5 of lights on vehicles.

6 (b) ~~In addition, the~~ The commissioner shall supervise and direct the  
7 activities of the state police and of the Vermont criminal information center  
8 and, as fire marshal, be responsible for enforcing the laws pertaining to the  
9 investigation of fires, the prevention of fires, the promotion of fire safety, and  
10 the delivery of fire service training.

11 (c) The commissioner shall:

12 (1) Employ, in consultation with the liquor control board, a director of  
13 the liquor control law enforcement division and inspectors or other officers as  
14 the commissioner deems necessary for the proper enforcement of Title 7.

15 (2) Employ, in consultation with the commissioner of fish and wildlife,  
16 the chief game warden who shall be the director of the fish and wildlife law  
17 enforcement division and state game wardens as required by section 4191 of  
18 Title 10.

19 (3) Employ, in consultation with the commissioner of motor vehicles, a  
20 director of the motor vehicle law enforcement and safety division and other  
21 motor vehicle inspectors.

1 ~~(d) The commissioner shall supervise, direct, and conduct performance~~  
2 ~~reviews of all law enforcement officers employed by the department~~

3 ~~(e) The daily duties of law enforcement officers described in subsection (c)~~  
4 ~~of this section shall be assigned by the liquor control board, the commissioner~~  
5 ~~of fish and wildlife, or the commissioner of motor vehicles, as appropriate, and~~  
6 ~~the personnel costs, including salaries, benefits, and other expenses, shall be~~  
7 ~~paid by those respective agencies.~~

8 Sec. 9. 20 V.S.A. § 1874(a) is amended to read:

9 (a) The commissioner, with the approval of the governor, shall so organize  
10 and arrange the department as will best and most efficiently promote its work  
11 and carry out the objectives of this chapter. To that end, the commissioner  
12 may, with such approval, create, rearrange and abolish divisions, establish  
13 grades, ranks, and positions to be held by members, and formulate, put into  
14 effect, alter, and repeal rules and regulations for the administration of the  
15 department.

16 Sec. 10. 23 V.S.A. § 103 is amended to read:

17 § 103. APPOINTMENT OF OFFICIALS AND INSPECTORS

18 With the approval of the governor, the commissioner of public safety in  
19 consultation with the commissioner of motor vehicles may appoint and employ  
20 inspectors who shall devote their entire time to the duties of their appointment  
21 while so employed. In addition, the commissioner of motor vehicles shall

1 ~~appoint the deputy commissioner of motor vehicles, the director of the gasoline~~  
2 ~~tax division, and examiners of new operators, including regular office~~  
3 ~~employees whose duties require such appointment and who shall have the~~  
4 ~~authority of inspectors. With the approval of the governor, at the expense of~~  
5 ~~the state, the commissioner of motor vehicles may furnish suitable uniforms~~  
6 ~~for a part of or all the inspectors provided for in this section.~~

*Sec. 1. PURPOSE*

*This act shall:*

*(1) increase communication, provide for coordinated and strategic planning, encourage resource sharing, and identify cost savings among and within the departments of public safety, of fish and wildlife, of motor vehicles, and of liquor control;*

*(2) maintain the core missions of the individual state agencies;*

*(3) ensure a unified approach to law enforcement in Vermont;*

*(4) provide efficient and effective service delivery to those who live, work, and travel in Vermont.*

*Sec. 2. 20 V.S.A. § 1883 is added to read:*

*§ 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF UNDERSTANDING*

*(a) The commissioner of public safety shall develop and execute a memorandum of understanding with the commissioners of fish and wildlife, of motor vehicles, and of liquor control and their respective directors of law enforcement. The memorandum of understanding shall be reviewed at least every two years and shall at a minimum address:*

*(1) Maximizing collective resources by reducing or eliminating redundancies and implementing a methodology that will enhance overall coordination and communication while supporting the mission of individual enforcement agencies.*

*(2) Providing for an overall statewide law enforcement strategic plan supported by quarterly planning and implementation strategy sessions to improve efficiencies and coordination on an operational level and ensure interagency cooperation and collaboration of programs funded through*

grants. The strategic plan should identify clear goals and measurable performance outcomes as well as specific strategic plans for individual enforcement agencies.

(3) Creating a task force concept that will provide for the sharing and disseminating of information and recommendations involving various levels of statewide law enforcement throughout Vermont that will benefit all law enforcement agencies as well as citizens.

(4) Developing an integrated and coordinated approach to multi-agency special teams with the goal of creating a force multiplier, where feasible. These teams will be coordinated by the Vermont state police during training and deployments.

(5) Providing for the commissioner of public safety, with the approval of the governor and in consultation with the commissioners of motor vehicles, of fish and wildlife, and of liquor control, to assume the role of lead coordinator of statewide law enforcement units in the event of elevated alerts, critical incidents and all hazard events. The lead coordinator shall maintain control until in his or her judgment the event no longer requires coordinated action to ensure the public safety.

(b) A copy of the overall strategic plan shall be provided to the house and senate committees on government operations by January 15 of each year and shall include performance outcomes.

#### **Sec. 2a. COMMISSIONER OF PUBLIC SAFETY; REPORT**

The commissioner of public safety shall file a report with the house and senate committees on government operations by January 15, 2011. The report shall explain the commissioner's efforts to develop criteria to measure the reduction of redundancies and the increase in communication as set forth in Sec. 1 of this act. The report shall also recommend improvements in the command and coordination of Vermont law enforcement agencies.

#### **Sec. 2b. CERTIFICATION OF LAW ENFORCEMENT OFFICERS**

(a) The general assembly finds that because the Vermont police academy requires candidates for certification as a full-time law enforcement officer to undergo 16 weeks of extensive physical training in addition to meeting academic requirements, older individuals or individuals with minor physical disabilities who are otherwise exceptionally qualified to discharge law enforcement duties are precluded from obtaining full-time certification and thus full-time employment as a law enforcement officer. While other states and jurisdictions have left physical training requirements to the hiring law enforcement agencies, the Vermont criminal justice training council has continued the physical training requirements, extending the cost and length of

the basic training program, even though the hiring law enforcement agency already has selected and employed the candidates who seek full-time certification.

(b) The executive director of the Vermont criminal justice training council, the attorney general or designee, a designee of the department of sheriffs and state's attorneys who does not serve on the Vermont criminal justice training council, the defender general or designee, the executive director of the human rights commission or designee, and a Vermont constable selected by the chair of the trustees of the Vermont league of cities and towns shall make recommendations regarding:

(1) the advisability of granting full-time certification to law enforcement officers who have been certified as part-time officers for at least the past ten years and who have been employed a total of at least 8,000 hours as an officer discharging law enforcement duties during that period due to the fact that those officers have been unable to obtain full-time certification for failure to meet the physical fitness standards of the Vermont criminal justice training council;

(2) whether full-time law enforcement officers should be required to fulfill physical fitness standards on a periodic basis.

(c) The chair of the committee shall be the attorney general or his or her designee. The committee shall report its findings and recommendations to the house and senate committees on government operations and the house and senate judiciary committees no later than January 15, 2011.

**Sec. 3. EFFECTIVE DATE**

This act shall take effect upon passage.