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H.428

Introduced by Representative Waite-Simpson of Essex

Referred to Committee on

Date:

Subject: County government; county officers; sheriffs and deputy sheriffs

Statement of purpose of bill as introduced: This bill proposes to make
miscellaneous changes to laws governing sheriffs and deputy sheriffs.

An act relating to sheriffs and deputy sheriffs

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

Sec. 1. 3 V.S.A. § 459 is amended to read:

§ 459. NORMAL AND EARLY RETIREMENT

* * *

(d) Early retirement allowance.

(1) Upon early retirement, a group A member, except facility employees
in the ~~department of corrections~~ Department of Corrections, shall receive an
early retirement allowance which shall be the actuarial equivalent of the
normal retirement allowance computed under subsection (b) of this section,
based on the average final compensation and years of creditable service at the
date of early retirement. However, if a group A member has completed 30
years of creditable service but has not reached normal retirement date, the early

1 retirement allowance shall be equal to the normal retirement allowance
2 computed under subsection (b) of this section. Group A members who have 20
3 years of service as facility employees in the ~~department of corrections~~
4 Department of Corrections shall receive an early retirement allowance which
5 shall be equal to the normal retirement allowance at age 55 without reduction.

6 (2)(A) Upon early retirement, a group F member, except facility
7 employees of the ~~department of corrections~~ Department of Corrections and
8 ~~department of corrections~~ Department of Corrections employees who provide
9 direct security and treatment services to offenders under supervision in the
10 community and Woodside facility employees, shall receive an early retirement
11 allowance which shall be equal to the normal retirement allowance reduced by
12 one-half of one percent for each month the member is under age 62 at the time
13 of early retirement. Group F members who have 20 years of service as facility
14 employees of the ~~department of corrections~~ Department of Corrections, as
15 ~~department of corrections~~ Department of Corrections employees who provide
16 direct security and treatment services to offenders under supervision in the
17 community or as Woodside facility employees or as Vermont State Hospital
18 employees, or as employees of its successor in interest, who provide direct
19 patient care shall receive an early retirement allowance which shall be equal to
20 the normal retirement allowance at age 55 without reduction; provided the 20
21 years of service occurred in one or more of the following capacities as an

1 employee of the ~~department of corrections~~ Department of Corrections,
2 Woodside facility, or the Vermont State Hospital, or its successor in interest:
3 facility employee, community service center employee, or court and reparative
4 service unit employee.

5 (B) Upon early retirement, a group F member first included in the
6 membership of the system on or after July 1, 2008, except facility employees
7 of the ~~department of corrections~~ Department of Corrections and ~~department of~~
8 ~~corrections~~ Department of Corrections employees who provide direct security
9 and treatment services to offenders under supervision in the community and
10 Woodside facility employees, shall receive an early retirement allowance
11 which shall be equal to the normal retirement allowance reduced by:

12 (i) one-eighth of one percent for each month the member is under
13 age 65, provided the member has accrued 35 years of service at the time of
14 early retirement;

15 (ii) one-quarter of one percent for each month the member is
16 under age 65, provided the member has accrued 30 years of service but less
17 than 35 years of service at the time of early retirement;

18 (iii) one-third of one percent for each month the member is under
19 age 65, provided the member has accrued 25 years of service but less than 30
20 years of service at the time of early retirement;

1 (iv) five-twelfths of one percent for each month the member is
2 under age 65, provided the member has accrued 20 years of service but less
3 than 25 years of service at the time of early retirement;

4 (v) five-ninths of one percent for each month the member is under
5 age 65, provided the member has accrued less than 20 years of service at the
6 time of early retirement.

7 (3) Upon early retirement, a group D member shall receive an early
8 retirement allowance which shall be equal to the normal retirement allowance
9 reduced by one-quarter of one percent for each month the member is under age
10 62 at the time of early retirement.

11 (4) Notwithstanding subdivisions (1) and (2) of this subsection, an
12 ~~elected county sheriff, an employee of the department of fish and wildlife~~
13 Department of Fish and Wildlife assigned to law enforcement duties, an
14 employee of the ~~military department~~ Military Department assigned to airport
15 firefighting duties, or a group C member shall upon early retirement receive an
16 early retirement allowance which shall be equal to his or her normal retirement
17 allowance computed under subsection (b) of this section.

18 (5) Notwithstanding subdivisions (1) and (2) of this subsection, a state's
19 attorney or sheriff who has completed 20 years of creditable service, of which
20 15 years has been as a state's attorney or sheriff, shall receive an early

1 retirement allowance equal to the normal retirement allowance, at age 55,
2 without reductions.

3 * * *

4 Sec. 2. 24 V.S.A. § 307 is amended to read:

5 § 307. DEPUTY SHERIFFS; APPOINTMENTS AND REVOCATION

6 (a) A sheriff may appoint deputies who need not be legal residents of the
7 State, one or more of whom shall be a woman. ~~With the approval of the~~
8 ~~attorney general, a sheriff may appoint special deputies, who need not be legal~~
9 ~~residents of the state.~~ The duties of ~~such special~~ deputy sheriffs shall be the
10 same as those imposed by law on sheriffs and other peace officers in the
11 enforcement of the criminal law. ~~No action for official malfeasance or neglect~~
12 ~~of such special deputy sheriff, or for a cause affecting his or her administration~~
13 ~~of the office, shall be sustained against the sheriff.~~ A deputy ~~or such special~~
14 ~~deputy~~ shall not perform an official act until his or her deputation and oath are
15 filed for record in the office of the county clerk. A sheriff may dismiss a
16 deputy ~~or such special deputy~~ and revoke his or her deputation. Such
17 revocation shall be recorded in the office of the county clerk and shall take
18 effect from the day of such record.

19 (b) A sheriff may appoint persons as deputy sheriffs to serve civil process,
20 including child support enforcement as provided in 15 V.S.A. § 800, whom the
21 sheriff shall train and supervise. Such deputies need not be qualified law

1 enforcement officers, but if not so qualified shall not have arrest powers, and
2 shall not carry firearms in performance of their duties in serving civil process.

3 (c) The powers of deputy sheriffs ~~and special deputy sheriffs~~ with respect
4 to criminal matters and the enforcement of the law may be exercised statewide.

5 Sec. 3. 24 V.S.A. § 310 is amended to read:

6 § 310. ~~DEPUTY SHERIFFS, UNIFORMS~~

7 ~~A deputy sheriff shall not wear any uniform unless it has been approved by~~
8 ~~the attorney general and is standard for all deputy sheriffs in the state. A~~
9 ~~deputy sheriff shall not wear a deputy sheriff's uniform when he is not actually~~
10 ~~engaged in his duties as a deputy sheriff. [Repealed.]~~

11 Sec. 4. 24 V.S.A. § 367 is amended to read:

12 § 367. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS

13 (a) There is established a ~~department of state's attorneys~~ Department of
14 State's Attorneys and Sheriffs which shall consist of the 14 state's attorneys
15 and 14 sheriffs. The state's attorneys and sheriffs shall elect an ~~executive~~
16 ~~committee~~ Executive Committee of ~~five~~ three state's attorneys and two sheriffs
17 from among their members. The members of the ~~executive committee~~
18 Executive Committee shall serve for terms of two years. There shall be one
19 general appropriation for the ~~department of state's attorneys~~ Department of
20 State's Attorneys and Sheriffs.

1 (b) The ~~executive committee~~ Executive Committee shall appoint an
2 ~~executive director~~ Executive Director who shall serve at the pleasure of the
3 ~~committee~~ Committee. The ~~executive director~~ Executive Director shall be an
4 exempt employee.

5 (c) The ~~executive director~~ Executive Director shall prepare and submit all
6 budgetary and financial materials and forms which are required of the head of
7 a department of state government with respect to all state funds appropriated
8 for all of the Vermont state's attorneys and sheriffs. At the beginning of each
9 fiscal year, the ~~executive director~~ Executive Director, with the approval of the
10 ~~executive committee~~ Executive Committee, shall establish allocations for each
11 of the state's attorneys' offices from the state's attorneys' appropriation.
12 Thereafter, the ~~executive director~~ Executive Director shall exercise budgetary
13 control over these allocations and the general appropriation for state's
14 attorneys. The Executive Director shall monitor the sheriff's transport budget
15 and report to the sheriffs on a monthly basis the status of the budget. He or she
16 shall provide centralized support services for the state's attorneys and sheriffs
17 with respect to budgetary planning, training, and office management, and
18 perform such other duties as the ~~executive committee~~ Executive Committee
19 directs. The ~~executive director~~ Executive Director may employ clerical staff as
20 needed to carry out the functions of the ~~department~~ Department. ~~The executive~~
21 ~~director shall provide similar services to the sheriffs.~~

1 (d) If an individual state's attorney or sheriff is aggrieved by a decision of
2 the ~~executive director~~ Executive Director pertaining to an expenditure or
3 proposed expenditure by the state's attorney or sheriff, the question shall be
4 decided by the ~~executive committee~~ Executive Committee. The decision of the
5 ~~committee~~ Committee shall be final.

6 (e) [Repealed.]

7 Sec. 5. 32 V.S.A. § 1591 is amended to read:

8 § 1591. SHERIFFS AND OTHER OFFICERS

9 There shall be paid to sheriffs' departments and constables in civil causes
10 and to sheriffs, deputy sheriffs, and constables for the transportation and care
11 of prisoners, juveniles, and mental patients the following fees:

12 (1) Civil process:

13 * * *

14 (E) ~~Quarterly, 15 percent of the gross civil process fees received by a~~
15 ~~sheriff's department during that quarter shall be forwarded to the state treasurer~~
16 ~~for deposit in the state's general fund. [Repealed.]~~

17 * * *

18 Sec. 6. EFFECTIVE DATE

19 This act shall take effect on July 1, 2013.