

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 130 entitled “An act relating to the Agency of Public Safety”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * Law Enforcement Officer Regulation Study Committee * * *

8 Sec. 1. LAW ENFORCEMENT OFFICER REGULATION; STUDY
9 COMMITTEE; REPORT

10 (a) Creation. There is created a Law Enforcement Officer Regulation
11 Study Committee to make recommendations to the General Assembly
12 regarding law enforcement officer regulation.

13 (b) Membership. The Committee shall be composed of the following eight
14 members:

15 (1) the Commissioner of Public Safety or designee;

16 (2) the Executive Director of the Vermont Criminal Justice Training
17 Council or designee;

18 (3) one sheriff appointed by the Executive Committee of the Vermont
19 Sheriffs’ Association;

20 (4) the President of the Vermont Troopers’ Association or designee;

1 (5) one member of the law enforcement officers represented by the
2 Vermont State Employees' Association, appointed by the President of the
3 Association;

4 (6) one chief of a municipal police department, appointed by the Chiefs
5 of Police Association of Vermont;

6 (7) one law enforcement officer appointed by the Vermont Police
7 Association; and

8 (8) a representative of the Vermont League of Cities and Towns,
9 appointed by the Executive Director of the League.

10 (c) Issue to study. The Committee shall study the current regulation of law
11 enforcement officers' certification and how that regulation should change,
12 including:

13 (1) the number of hours that should be required for Level II basic
14 training and the physical fitness that should be required for Level II basic
15 training and annual in-service training;

16 (2) whether each law enforcement agency should be required to have an
17 effective internal affairs program and, if so, what should be included in that
18 program;

19 (3) when and under what circumstances a law enforcement agency
20 should report alleged unprofessional conduct to the Vermont Criminal Justice
21 Training Council;

1 (4) when the Council should be able to investigate and take further
2 action on reports of alleged law enforcement officer unprofessional conduct,
3 including the Council’s ability to summarily suspend an officer; and

4 (5) what types of discipline the Council should be able to impose on a
5 law enforcement officer’s certification.

6 (d) Report. On or before December 1, 2016, the Committee shall report to
7 the House and Senate Committees on Government Operations with its findings
8 and recommendations for legislative action. The report may be in the form of
9 proposed legislation.

10 (e) Meetings.

11 (1) The Commissioner of Public Safety shall call the first meeting of the
12 Committee, to occur on or before August 1, 2016.

13 (2) At its first meeting, the Committee shall elect a chair from among its
14 members.

15 (3)(A) A majority of the membership shall constitute a quorum.

16 (B) Notwithstanding 1 V.S.A. § 172, an action may be taken by the
17 Committee with the assent of a majority of the members attending, assuming a
18 quorum.

19 (4) The Committee shall cease to exist on December 2, 2016.

20 (f) Reimbursement. Members of the Committee who are not employees of
21 the State of Vermont and who are not otherwise compensated or reimbursed

1 for their attendance shall be entitled to per diem compensation and
2 reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five
3 meetings.

4 * * * E-911, Dispatch, and Call-taking Services * * *

5 Sec. 2. E-911; DISPATCH; WORKING GROUP

6 (a) Creation and duties of working group.

7 (1) A working group shall be formed to study and make
8 recommendations regarding:

9 (A) the most efficient, reliable, and cost-effective means for
10 providing statewide call-taking operations for Vermont’s 911 system; and

11 (B) the manner in which dispatch services are currently provided and
12 funded, including funding disparity, and whether there should be any changes
13 to this structure.

14 (2) Among other things, the group shall make findings related to the
15 financing, operations, and geographical location of 911 call-taking services. In
16 addition, the group’s findings shall include a description of the number and
17 nature of calls received, and an evaluation of current and potential State and
18 local partnerships with respect to the provision of such services.

19 (3) The group shall take into consideration the “Enhanced 9-1-1 Board
20 Operational and Organizational Report,” dated September 4, 2015.

1 (4) The group’s recommendations shall strive to achieve the best
2 possible outcome in terms of ensuring the health and safety of Vermonters and
3 Vermont communities.

4 (b) Membership. Members of the working group shall include a
5 representative from each of the following entities: the Enhanced 911 Board;
6 the Department of Public Safety; the Vermont State Employees’ Association;
7 the Vermont League of Cities and Towns; the Vermont State Firefighters’
8 Association; the Vermont Ambulance Association; the Vermont Association of
9 Chiefs of Police; the Vermont Police Association; and the Vermont Sheriffs’
10 Association.

11 (c) Meetings. The representative from the E-911 Board shall convene the
12 first meeting of the working group, at which the group shall elect a chair and
13 vice chair from among its members. The group shall meet as needed, and shall
14 receive administrative and staffing support from the Department of Public
15 Safety, and may request relevant financial information from the Joint Fiscal
16 Office.

17 (d) Report. On or before January 15, 2017, the group shall report its
18 findings and recommendations to the House Committees on Commerce and
19 Economic Development, on Government Operations, on Appropriations, and
20 on Ways and Means and to the Senate Committees on Finance, on Government

1 Operations, on Appropriations, and on Economic Development, Housing and
2 General Affairs, and to the Governor.

3 (e) Reimbursement. Members of the working group who are not
4 employees of the State of Vermont and who are not otherwise compensated or
5 reimbursed for their attendance shall be entitled to per diem compensation and
6 reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five
7 meetings.

8 Sec. 3. DEPARTMENT OF PUBLIC SAFETY; 911 CALL-TAKING

9 The Department of Public Safety shall continue to provide 911 call-taking
10 services unless otherwise directed by legislative enactment.

11 * * * Law Enforcement Officers; Training and Scope of Practice * * *

12 Sec. 4. 20 V.S.A. § 2358 is amended to read:

13 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

14 * * *

15 (b) The Council shall offer or approve basic training and annual in-service
16 training for each of the following three levels of law enforcement officer
17 certification in accordance with the scope of practice for each level, and shall
18 determine by rule the scope of practice for each level in accordance with the
19 provisions of this section:

20 (1) Level I certification.

21 * * *

1 ~~(V)~~(VI) 13 V.S.A. chapter 19, subchapter 1 (riots);
2 ~~(VI)~~(VII) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023
3 (simple assault), 1025 (recklessly endangering another person), 1026
4 (disorderly conduct), 1026a (aggravated disorderly conduct), 1027 (disturbing
5 peace by use of telephone or other electronic communications), 1030 (violation
6 of an abuse prevention order, an order against stalking or sexual assault, or a
7 protective order concerning contact with a child), 1031 (interference with
8 access to emergency services), 1042 (domestic assault), and 1062 (stalking);
9 ~~(VII)~~(VIII) 13 V.S.A. chapter 35 (escape);
10 ~~(VIII)~~(IX) 13 V.S.A. chapter 41 (false alarms and reports);
11 ~~(IX)~~(X) 13 V.S.A. chapter 45 (flags and ensigns);
12 ~~(X)~~(XI) 13 V.S.A. chapter 47 (frauds);
13 ~~(XI)~~(XII) 13 V.S.A. chapter 49 (fraud in commercial
14 transactions);
15 ~~(XII)~~(XIII) 13 V.S.A. chapter 51 (gambling and lotteries);
16 ~~(XIII)~~(XIV) 13 V.S.A. chapter 57 (larceny and embezzlement),
17 except for subchapter 2 (embezzlement);
18 ~~(XIV)~~(XV) 13 V.S.A. chapter 67 (public justice and public
19 officers);
20 ~~(XV)~~(XVI) 13 V.S.A. chapter 69 (railroads);
21 ~~(XVI)~~(XVII) 13 V.S.A. chapter 77 (trees and plants);

1 ~~(XVII)~~(XVIII) 13 V.S.A. chapter 81 (trespass and malicious
2 injuries to property);
3 ~~(XVIII)~~(XIX) 13 V.S.A. chapter 83 (vagrants);
4 ~~(XIX)~~(XX) 13 V.S.A. chapter 85 (weapons);
5 (XXI) 13 V.S.A. § 7559(d), (e), and (f) (violating condition
6 of release);
7 ~~(XX)~~(XXII) 18 V.S.A. §§ 4230(a), 4230c, and 4230d
8 (marijuana possession);
9 ~~(XXI)~~(XXIII) 18 V.S.A. § 4231(a) (cocaine possession);
10 ~~(XXII)~~(XXIV) 18 V.S.A. § 4232(a) (LSD possession);
11 ~~(XXIII)~~(XXV) 18 V.S.A. § 4233(a) (heroin possession);
12 ~~(XXIV)~~(XXVI) 18 V.S.A. § 4234(a) (depressant, stimulant, or
13 narcotic drug possession);
14 ~~(XXV)~~(XXVII) 18 V.S.A. § 4234a(a) (methamphetamine
15 possession);
16 ~~(XXVI)~~(XXVIII) 18 V.S.A. § 4235(b) (hallucinogenic drug
17 possession);
18 ~~(XXVII)~~(XXIX) 18 V.S.A. § 4235a(a) (ecstasy possession);
19 ~~(XXVIII)~~(XXX) 18 V.S.A. § 4476 (drug paraphernalia
20 offenses);
21 (XXXI) 20 V.S.A. § 3132 (firework prohibitions);

1 receives appropriate and sufficient training before becoming authorized to
2 carry or use an electronic control device.

3 (d) On or before June 30, 2017, every State, ~~local~~, county, ~~and~~ municipal,
4 or other law enforcement agency that employs one or more certified law
5 enforcement officers shall ensure that all officers have completed the training
6 established in 2004 Acts and Resolves No. 80, Sec. 13(a), and every constable
7 who is not employed by a law enforcement agency shall have completed this
8 training.

9 * * *

10 (f) Every State, ~~local~~, county, ~~and~~ municipal, or other law enforcement
11 agency and every constable who is not employed by a law enforcement agency
12 shall report all incidents involving the use of an electronic control device to the
13 Criminal Justice Training Council in a form to be determined by the Council.

14 (g) The Law Enforcement Advisory Board shall:

15 (1) study and make recommendations as to whether officers authorized
16 to carry electronic control devices should be required to wear body
17 cameras; and

18 (2) establish a policy on the calibration and testing of electronic control
19 devices;

20 ~~(3) on or before January 15, 2015, report to the House and Senate~~
21 ~~Committees on Government Operations and on Judiciary concerning the~~

1 ~~recommendations and policy developed pursuant to subdivisions (1) and (2) of~~
2 ~~this subsection; and~~

3 ~~(4) on or before April 15, 2015, ensure that all electronic control devices~~
4 ~~carried or used by law enforcement officers are in compliance with the policy~~
5 ~~established pursuant to subdivision (2) of this subsection.~~

6 * * * Intentionally Injuring or Killing Law Enforcement Animals * * *

7 Sec. 6. 13 V.S.A. § 352a is amended to read:

8 § 352a. AGGRAVATED CRUELTY TO ANIMALS

9 A person commits the crime of aggravated cruelty to animals if the person:

10 (1) kills an animal by intentionally causing the animal undue pain or
11 suffering; ~~or~~

12 (2) intentionally, maliciously, and without just cause tortures, mutilates,
13 or cruelly beats an animal; or

14 (3) intentionally injures or kills an animal that is in the performance of
15 official duties while under the supervision of a law enforcement officer.

16 * * * Forfeiture Proceeds to Vermont Police Academy * * *

17 Sec. 7. 18 V.S.A. § 4247 is amended to read:

18 § 4247. DISPOSITION OF PROPERTY

19 (a) Whenever property is forfeited and delivered to the State Treasurer
20 under this subchapter, the State Treasurer shall, no sooner than 90 days of the

1 date the property is delivered, sell the property at a public sale held under
2 ~~27 V.S.A. chapter 13~~ 27 V.S.A. chapter 14.

3 (b) The proceeds from the sale of forfeited property shall be used first to
4 offset any costs of selling the property, and then, after any liens on the property
5 have been paid in full, applied to payment of seizure, storage, and forfeiture
6 expenses, including animal care expenses related to the underlying violation.

7 Remaining proceeds shall be distributed as follows:

8 (1) Five percent shall be distributed to the Vermont Police Academy.

9 (2)(A) Forty-five percent shall be distributed among:

10 (i) the Office of the Attorney General;

11 (ii) the Department of State's Attorneys and Sheriffs; and

12 (iii) State and local law enforcement agencies.

13 (B) The Governor's Criminal Justice and Substance Abuse Cabinet is
14 authorized to determine the allocations among the groups listed in subdivision
15 (A) of this subdivision ~~(1)~~(2), and may only reimburse the prosecutor and law
16 enforcement agencies that participated in the enforcement effort resulting in
17 the forfeiture for expenses incurred, including actual expenses for involved
18 personnel. The proceeds shall be held by the Treasurer until the Cabinet
19 notifies the Treasurer of the allocation determinations, at which time the
20 Treasurer shall forward the allocated amounts to the appropriate agency's
21 operating funds.

