

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:

* * *

~~(6) Employ such assistants, inspectors, and other officers as it deems
necessary, subject to the approval of the governor.~~

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Sec. 2. 7 V.S.A. § 561 is amended to read:

§ 561. AUTHORITY OF LIQUOR CONTROL INVESTIGATORS;
ARREST FOR UNLAWFULLY MANUFACTURING, POSSESSING
OR TRANSPORTING ALCOHOLIC BEVERAGES; SEIZURE OF
PROPERTY

(a) The director of the enforcement division of the department of liquor control and investigators employed by the ~~liquor control board or by the department of liquor control~~ commissioner of public safety shall be law enforcement officers and shall have the same powers and immunities as those conferred on the state police by section 1914 of Title 20, as necessary to carry out liquor control enforcement duties under this title or while performing liquor control enforcement duties at a licensed premise or event catered by a licensee or in the immediate vicinity of a licensed premise or an event catered by a licensee.

(b) The commissioner of liquor control, the director of the enforcement division of the department of liquor control or an investigator employed by the ~~liquor control board or by the department of liquor control~~ commissioner of

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.