

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 765 entitled “An act relating to eliminating the part-time certification  
4 of law enforcement officers” respectfully reports that it has considered the  
5 same and recommends that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 \* \* \* Vermont Criminal Justice Training Council \* \* \*

8 Sec. 1. 20 V.S.A. § 2351 is amended to read:

9 § 2351. PURPOSE;~~DEFINITION~~ OF COUNCIL

10 (a) In order to promote and protect the health, safety, and welfare of the  
11 public, it is in the public interest to provide for the creation of ~~“the the~~  
12 Vermont Criminal Justice Training ~~Council.”~~ Council.

13 (b) The Council is created to encourage and assist municipalities, counties,  
14 and governmental agencies of this State in their efforts to improve the quality  
15 of law enforcement and citizen protection by maintaining a uniform standard  
16 of recruit and in-service training for law enforcement officers, including  
17 members of the Department of Public Safety, capitol police officers, municipal  
18 police officers, constables, correctional officers, prosecuting personnel, motor  
19 vehicle inspectors, State investigators employed on a full-time basis by the  
20 Attorney General, fish and game wardens, sheriffs and their deputies who  
21 exercise law enforcement powers pursuant to the provisions of 24 V.S.A.

1 §§ 307 and 311, ~~and~~ railroad police commissioned pursuant to 5 V.S.A.  
2 chapter 68, subchapter 8, police officers appointed to the University of  
3 Vermont's Department of Police Services, and investigators employed by the  
4 Department of Environmental Conservation who exercise law enforcement  
5 powers.

6 (c) The Council shall offer continuing programs of instruction in up-to-date  
7 methods of law enforcement and the administration of criminal justice.

8 (d) It is the responsibility of the Council to encourage the participation of  
9 local governmental units in the program and to aid in the establishment of  
10 adequate training facilities.

11 Sec. 2. 20 V.S.A. § 2355 is amended to read:

12 § 2355. POWERS AND DUTIES

13 (a) The ~~council~~ Council shall adopt rules with respect to:

14 (1) ~~The~~ the approval, or revocation thereof, of law enforcement officer  
15 training schools and off-site training programs;

16 (2) ~~Minimum~~ minimum courses of study, attendance requirements, and  
17 equipment and facilities to be required at approved law enforcement officer  
18 training schools and off-site training programs;

19 (3) ~~Minimum~~ minimum qualifications for instructors at approved law  
20 enforcement officer training schools and off-site training programs;

1           (4) ~~Minimum~~ minimum basic training for law enforcement officers in  
2 each level of law enforcement officer certification and the time within which  
3 that training shall be completed;

4           (5) ~~Minimum basic training in order to retain their status for law~~  
5 ~~enforcement officers who are appointed on a permanent basis, and the time~~  
6 ~~within which that basic training shall be completed following appointment;~~  
7 [Repealed.]

8           (6) ~~Minimum~~ minimum annual in-service training requirements for law  
9 enforcement officers in each level of law enforcement officer certification;

10           (7) ~~Minimum~~ minimum courses of training for other criminal justice  
11 personnel;

12           (8) ~~Categories~~ categories or classifications of advanced in-service  
13 training programs and minimum courses of study and attendance requirements  
14 with respect to those categories or classifications;

15           (9) ~~Recertification~~ recertification of persons who have not been  
16 employed as law enforcement officers for a three-year period;

17           (10) ~~A~~ a definition of criminal justice personnel and criminal justice  
18 training for purposes of this title;

19           (11) ~~Decertification~~ decertification of persons who have been convicted  
20 of a felony subsequent to their certification as law enforcement officers;

1           (12) ~~Decertification~~ decertification of persons who have not complied  
2 with in-service training requirements, provided that the ~~council~~ Council,  
3 through its ~~executive director~~ Executive Director, may grant a 60-day waiver  
4 to a ~~police~~ law enforcement officer who has failed to meet his or her annual  
5 in-service training requirements but who is able to complete those training  
6 requirements within that 60-day period.

7           (b) The ~~council~~ Council shall conduct and administer training schools and  
8 offer courses of instruction for law enforcement officers and other criminal  
9 justice personnel. The ~~council~~ Council may also offer the basic officer's  
10 course for pre-service students.

11           (c)(1) The ~~council~~ Council shall appoint, subject to the approval of the  
12 ~~governor~~ Governor, an ~~executive director~~ Executive Director who shall be an  
13 exempt ~~state~~ State employee, and who shall hold office during the pleasure of  
14 the ~~council~~ Council.

15           (2)(A) ~~He or she~~ The Executive Director shall perform such duties as  
16 may be assigned by the ~~council~~ Council. ~~The executive director is entitled to~~  
17 ~~compensation, as established by law, and reimbursement for the expenses~~  
18 ~~within the amounts available by appropriation.~~

19           (B) The ~~executive director~~ Executive Director may appoint officers,  
20 employees, agents, and consultants as he or she may deem necessary; and  
21 prescribe their duties, with the approval of the ~~council~~ Council.

1           (3) The Executive Director is entitled to compensation as established by  
2           law and reimbursement for expenses within the amounts available by  
3           appropriation.

4           (d) The ~~council~~ Council may, in addition:

5           (1) ~~Accept~~ accept and administer under this chapter and for its purposes  
6           contributions, capital grants, gifts, services, and other financial assistance from  
7           any individual, association, corporation, or other organization having an  
8           interest in criminal justice training, and from this ~~state~~ State and the United  
9           States and any of their agencies and instrumentalities, corporate or  
10          otherwise; and

11          (2) ~~Perform~~ perform such other acts as may be necessary or appropriate  
12          to carry out the purposes of this chapter.

13          (e) Any agency or department of ~~state government, municipality or State,~~  
14          county, or municipal government may, notwithstanding any provision of this  
15          chapter, engage in and pay for, from sums appropriated for that purpose,  
16          training activities for employees in addition to any minimum training required  
17          by the ~~council~~ Council.

18          (f) The ~~council~~ Council shall charge participants or employers of  
19          participants in law enforcement training programs as follows:

20          (1) The tuition ~~fee~~ fees for any of the basic training or annual in-service  
21          training required under section 2358 of this ~~title~~ chapter shall be ~~\$6,417.00~~ set

1 forth in rules adopted by the Council. The tuition fees shall be set to reflect the  
2 actual costs for operation of the particular programs offered. ~~This fee~~ These  
3 fees shall not be charged for persons employed by police agencies at the time  
4 of training.

5 (2) The tuition fees for training not required under section 2358 of this  
6 ~~title chapter~~ shall be set to reflect the actual costs for operation of the particular  
7 programs offered, with an additional \$30.00 entrance exam fee.

8 (g) The ~~criminal justice training council~~ Council shall develop and  
9 maintain a comprehensive drug training program ~~by July 1, 1988.~~

10 Sec. 3. 20 V.S.A. § 2357 is amended to read:

11 § 2357. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR

12 The ~~executive director~~ Executive Director of the ~~council~~ Council, on behalf  
13 of the ~~council~~ Council, shall have the following powers and duties, subject to  
14 the supervision of the ~~council~~ Council and to be exercised only in accordance  
15 with rules adopted under this chapter:

16 (1) ~~To~~ to approve, on applications made in advance, criminal justice  
17 personnel training programs and their lesson plans and instructors, to issue  
18 certificates of approval to those programs, and to revoke those approvals or  
19 certificates;

1           (2) ~~¶~~ to certify, as qualified, instructors at approved criminal justice  
2 personnel training schools and to issue appropriate certificates to those  
3 instructors;

4           (3) ~~¶~~ to certify criminal justice personnel who have satisfactorily  
5 completed approved training programs and to issue appropriate certificates to  
6 them;

7           (4) ~~¶~~ to cause studies and surveys to be made relating to the  
8 establishment, operation, and approval of criminal justice training schools;

9           (5) ~~¶~~ to consult and cooperate with law enforcement officer criminal  
10 justice training schools:

11           (A) to recommend a course of study in crime prevention for law  
12 enforcement students; and

13           (B) for the development of advanced in-service training programs for  
14 law enforcement officers, which shall include a course of study on crime  
15 prevention;

16           (6) ~~¶~~ to consult and cooperate with universities, colleges, and institutes  
17 for the development of specialized courses of study including a course of study  
18 on crime prevention, where appropriate;

19           (7) ~~¶~~ to consult and cooperate with other departments and agencies of  
20 the ~~state~~ State and federal government concerned with criminal justice  
21 personnel training;

1           (8) ~~To provide courses for persons who wish to make application for~~  
2 ~~licensing as a private detective as provided in 32 V.S.A. § 9506, and to charge~~  
3 ~~the applicant a reasonable fee, based on the cost of providing courses;~~

4 [Repealed.]

5           (9) ~~To~~ to perform such other acts as may be necessary or appropriate to  
6 carry out his or her powers and duties as set forth in this chapter;

7           (10) ~~To~~ to report to the ~~council~~ Council at each regular meeting of the  
8 ~~council~~ Council and at such other times as may be required; and

9           (11) ~~Approve~~ to approve and accept pre-service and military students  
10 for any of the basic officer's training course courses set forth in section 2358  
11 of this chapter.

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

13 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

14           (a) Unless waived by the Council under standards adopted by rule, and  
15 notwithstanding any statute or charter to the contrary, no person shall exercise  
16 law enforcement authority; as a law enforcement officer without completing a  
17 basic training course and annual in-service training within a time and manner  
18 prescribed by the Council by rule.

19           ~~(1) as a part-time law enforcement officer without completing a basic~~  
20 ~~training course within a time prescribed by rule of the Council; or~~

21           ~~(2) as a full-time law enforcement officer without either:~~



1           ~~(A) completing a basic training course in the time and manner~~  
2 ~~prescribed by the Council; or~~

3           ~~(B) having received, before July 1, 1968, permanent full time~~  
4 ~~appointment as a law enforcement officer, and completing a basic training~~  
5 ~~course before July 1, 1982.~~

6           ~~(3) as a full or part time law enforcement officer without completing~~  
7 ~~annual in-service training requirements as prescribed by the Council.~~

8           (b) The Council shall offer or approve basic training and annual in-service  
9 training for each of the following three levels of law enforcement officer  
10 certification in accordance with the scope of practice for each level, and shall  
11 determine by rule the scope of practice for each level:

12           (1) Level I certification.

13           (A) An applicant for certification as a Level I law enforcement  
14 officer shall first complete an off-site training program prior to entering and  
15 completing Level I basic training. Level I basic training shall include training  
16 to react to the circumstances described in subdivision (B) of this  
17 subdivision (1).

18           (B)(i) The scope of practice of a Level I law enforcement officer  
19 shall be limited to security, transport, vehicle escorts, and traffic control, as  
20 those terms are defined by the Council by rule, except that a Level I officer

1 may react in the following circumstances if the officer determines that it is  
2 necessary to do any of the following:

3 (I) protect an individual in the presence of the officer from the  
4 imminent infliction of serious bodily injury;

5 (II) provide immediate assistance to an individual who has  
6 suffered or is threatened with serious bodily injury;

7 (III) prevent the escape of an individual whom the officer  
8 reasonably believes has committed a crime in the presence of the officer; or

9 (IV) prevent the escape of an individual whom the officer  
10 reasonably believes has committed a felony under Vermont law.

11 (ii) If a Level I officer reacts to any of the circumstances described  
12 in subdivision (i) of this subdivision (B), he or she shall call upon a Level III  
13 officer to respond and assume law enforcement authority over the incident.

14 (2) Level II certification.

15 (A) An applicant for certification as a Level II law enforcement  
16 officer shall first complete Level II basic training and may then become  
17 certified in any specialized practice area approved by the Council by rule.

18 Level II basic training shall include training to react to the circumstances  
19 described in subdivision (B) of this subdivision (2).

20 (B)(i) The scope of practice of a Level II law enforcement officer  
21 shall be limited to the scope of practice of his or her basic training and the

1 scope of practice of his or her certified specialized practice area, except that a  
2 Level II officer may react in the following circumstances if the officer  
3 determines that it is necessary to do any of the following:

4 (I) protect an individual in the presence of the officer from the  
5 imminent infliction of serious bodily injury;

6 (II) provide immediate assistance to an individual who has  
7 suffered or is threatened with serious bodily injury;

8 (III) prevent the escape of an individual whom the officer  
9 reasonably believes has committed a crime in the presence of the officer; or

10 (IV) prevent the escape of an individual whom the officer  
11 reasonably believes has committed a felony under Vermont law.

12 (ii) If a Level II officer reacts to any of the circumstances  
13 described in subdivision (i) of this subdivision (B), he or she shall call upon a  
14 Level III officer to respond and assume law enforcement authority over the  
15 incident.

16 (3) Level III certification.

17 (A) An applicant for certification as a Level III law enforcement  
18 officer shall complete Level III basic training.

19 (B) The scope of practice of a Level III law enforcement officer shall  
20 include all law enforcement authority.

1       (c) All programs required by this section shall be approved by the Council.  
2       Completion of a program shall be established by a certificate to that effect  
3       signed by the Executive Director of the Council.

4       ~~(e)~~(d) As used in this section:

5           (1) “Law enforcement officer” means a member of the Department of  
6       Public Safety who exercises law enforcement powers, a member of the State  
7       police, a capitol police officer, a municipal police officer, a constable who  
8       exercises law enforcement powers, a correctional officer who exercises law  
9       enforcement powers, a motor vehicle inspector, an employee of the  
10      Department of Liquor Control who exercises law enforcement powers, an  
11      investigator employed by the Secretary of State, Board of Medical Practice  
12      investigators employed by the Department of Health, Attorney General, or a  
13      ~~state’s attorney~~ State’s Attorney, a fish and game warden, a sheriff, or deputy  
14      sheriff who exercises law enforcement powers, ~~or~~ a railroad police officer  
15      commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8, a police officer  
16      appointed to the University of Vermont’s Department of Police Services, or an  
17      investigator employed by the Department of Environmental Conservation who  
18      exercises law enforcement powers.

19           (2) ~~“Full-time law enforcement officer” means a law enforcement~~  
20      ~~officer with duties of a predictable and continuing nature which require more~~  
21      ~~than 32 hours per week and more than 25 weeks per year~~ “Off-site training”

1 means training provided off the premises of a law enforcement officer training  
2 school and approved by the Council under the provisions of section 2355 of  
3 this chapter.

4 (3) ~~“Part-time law enforcement officer” means a law enforcement~~  
5 ~~officer who is not employed full time. [Repealed.]~~

6 (d) ~~The council may determine whether a particular position is full-time or~~  
7 ~~part-time.~~

8 (e) The criteria for all minimum training standards under this section shall  
9 include anti-bias training approved by the Vermont Criminal Justice Training  
10 Council.

11 Sec. 5. 20 V.S.A. § 2361 is amended to read:

12 § 2361. ADDITIONAL TRAINING

13 (a) Nothing in this chapter prohibits any ~~commissioner, department or State~~  
14 ~~agency head, department, or office~~ or any municipality or county of the State  
15 from providing additional training beyond basic training to its personnel in  
16 ~~their agencies or departments~~ where no certification is requested ~~from the~~  
17 ~~director~~ of or required by the council Council or its Executive Director.

18 (b) The ~~commissioner of public safety~~ head of a State agency, department,  
19 or office, a municipality’s chief of police, or a sheriff may seek certification  
20 from the ~~criminal justice training council of~~ Council for any additional  
21 in-service training he or she may provide to his or her employees.

1       Sec. 6. TRANSITIONAL PROVISIONS; GRANDFATHERING OF  
2               PART-TIME OR FULL-TIME CERTIFIED LAW ENFORCEMENT  
3               OFFICERS; RULEMAKING AUTHORITY

4               (a)(1) On the effective date of Sec. 4 of this act, any law enforcement  
5               officer certified by the Vermont Criminal Justice Training Council as a  
6               part-time or full-time law enforcement officer immediately prior to the  
7               effective date of Sec. 4 may continue to hold that certification and practice as a  
8               law enforcement officer under the limitations of his or her part-time or  
9               full-time certification in effect immediately prior to the effective date of Sec. 4.

10              (2) A law enforcement officer described in subdivision (1) of this  
11              subsection shall be required to complete the next annual in-service training for  
12              one of the three levels of law enforcement officer certification provided as  
13              required pursuant to the terms of Sec. 4 according to that officer's desired  
14              scope of practice, except that an officer certified as a part-time law  
15              enforcement officer immediately prior to the effective date of Sec. 4 may only  
16              complete the next annual in-service training for a Level I or Level II law  
17              enforcement officer.

18              (b) The Vermont Criminal Justice Training Council shall adopt rules  
19              in order to implement the provisions of Secs. 2 (amending 20 V.S.A. § 2355  
20              (powers and duties)), 4 (amending 20 V.S.A. § 2358 (minimum training

1 standards; definitions)), and this section prior to the effective date of  
2 Secs. 2 and 4.

3 \* \* \* Investigators Employed by the Secretary of State \* \* \*

4 Sec. 7. 3 V.S.A. § 123(f) is amended to read:

5 (f) Classified State employees who are employed as investigators by the  
6 Secretary of State who have successfully met the standards of training for a  
7 ~~full-time~~ Level III law enforcement officer under 20 V.S.A. chapter 151 shall  
8 have the same powers as sheriffs in criminal matters and the enforcement of  
9 the law and in serving criminal process, and shall have all the immunities and  
10 matters of defense now available or hereafter made available to sheriffs in a  
11 suit brought against them in consequence for acts done in the course of their  
12 employment.

13 \* \* \* Vermont Employees Retirement System \* \* \*

14 Sec. 8. 3 V.S.A. § 455 is amended to read:

15 § 455. DEFINITIONS

16 (a) Unless a different meaning is plainly required by the context, the  
17 following words and phrases as used in this subchapter shall have the  
18 following meanings:

19 \* \* \*

20 (9) “Employee” shall mean:

21 \* \* \*

1           (B) any regular officer or employee of the Department of Public  
2       Safety assigned to police and law enforcement duties, including the  
3       Commissioner of Public Safety appointed before July 1, 2001; but, irrespective  
4       of the member's classification, shall not include any member of the General  
5       Assembly as such, any person who is covered by the Vermont Teachers'  
6       Retirement System, any person engaged under retainer or special agreement or  
7       C beneficiary employed by the Department of Public Safety for not more than  
8       208 hours per year, or any person whose principal source of income is other  
9       than State employment. In all cases of doubt, the Retirement Board shall  
10      determine whether any person is an employee as defined in this subchapter.  
11      Also included under this subdivision are employees of the Department of  
12      Liquor Control who exercise law enforcement powers, employees of the  
13      Department of Fish and Wildlife assigned to law enforcement duties, motor  
14      vehicle inspectors, full-time deputy sheriffs ~~employed~~ compensated by the  
15      State of Vermont whose primary function is transports, full-time members of  
16      the capitol police force, investigators employed by the Criminal Division of the  
17      Office of the Attorney General, Department of State's Attorneys, Department  
18      of Health, or Office of the Secretary of State, who have attained ~~full-time~~  
19      Level III law enforcement officer certification from the Vermont Criminal  
20      Justice Training Council, who are required to perform law enforcement duties  
21      as the primary function of their employment, and who may be subject to



1 mandatory retirement permissible under 29 U.S.C. ~~section~~ § 623(j), who are  
2 first included in membership of the system on or after July 1, 2000. Also  
3 included under this subdivision are full-time firefighters employed by the State  
4 of Vermont.

5 \* \* \*

6 \* \* \* Railroad Police \* \* \*

7 Sec. 9. 5 V.S.A. chapter 68, subchapter 8 is amended to read:

8 Subchapter 8. Railroad Police

9 § 3755. COMMISSIONS

10 Upon petition of a person or corporation owning or operating a railroad, the  
11 ~~commissioner of public safety~~ Commissioner of Public Safety may, subject to  
12 the provisions of section 3757 of this subchapter, commission any employees  
13 of the railroad as the person or corporation designates to act as police officers  
14 in and upon the premises and equipment owned, managed, or used by a  
15 railroad, shall issue commissions to the employees ~~to act as police so~~  
16 commissioned, and shall have the authority to rescind such commissions.

17 \* \* \*

18 § 3757. QUALIFICATIONS

19 Persons commissioned pursuant to section 3755 of this ~~title~~ subchapter shall  
20 be subject to minimum training standards established by rule of the Vermont  
21 ~~criminal justice training council~~ Criminal Justice Training Council pursuant to

1 20 V.S.A. chapter 151; ~~provided that persons employed as full-time railroad~~  
2 ~~police before January 1, 1981, shall have until July 1, 1984, to meet the~~  
3 ~~minimum training standards or equivalent standards as determined by the~~  
4 ~~council, and may continue to function under laws in effect prior to passage of~~  
5 ~~this subchapter until July 1984, or until receiving a commission under this~~  
6 ~~subchapter, whichever occurs sooner.~~

7 \* \* \*

8 § 3763. TERMINATION OF AUTHORITY

9 Upon termination of employment as a railroad police officer of any person  
10 commissioned pursuant to this subchapter, the person's commission shall be  
11 automatically rescinded and his or her powers as a police officer shall  
12 terminate. Within 10 days after the termination, the employing railroad shall  
13 file a notice of the termination with the ~~commissioner of public safety~~  
14 Commissioner of Public Safety and the Vermont Criminal Justice Training  
15 Council. The ~~state~~ State of Vermont shall not be responsible for the  
16 supervision, discipline, or decision to terminate the employment of persons  
17 commissioned as railroad police officers under this subchapter.



1 each offense. The provisions of this section shall not prevent the use or  
2 possession of gun silencers by:

3 (1) a certified, ~~full-time~~ law enforcement officer or ~~department of fish~~  
4 ~~and wildlife~~ Department of Fish and Wildlife employee in connection with his  
5 or her duties and responsibilities and in accordance with his or her law  
6 enforcement training and scope of practice and the policies and procedures of  
7 that officer's or employee's agency or department; or

8 (2) the Vermont National Guard in connection with its duties and  
9 responsibilities.

10 \* \* \* Sheriffs \* \* \*

11 Sec. 12. 32 V.S.A. § 1182 is amended to read:

12 § 1182. SHERIFFS

13 (a) The annual salaries of the sheriffs of all counties except Chittenden  
14 shall be \$67,688.00 as of July 1, 2012 and \$70,192.00 as of July 14, 2013. The  
15 annual salary of the sheriff of Chittenden County shall be \$71,631.00 as of  
16 July 1, 2012 and \$74,281.00 as of July 14, 2013.

17 (b) Compensation under subsection (a) of this section shall be reduced by  
18 10 percent for any sheriff who has not ~~completed the full-time training~~  
19 ~~requirements~~ obtained Level III law enforcement officer certification under  
20 20 V.S.A. § 2358.

1                   \* \* \* Investigators Appointed by a State's Attorney \* \* \*

2           Sec. 13. 24 V.S.A. § 364 is amended to read:

3           § 364. INVESTIGATOR

4           (a)(1) A ~~state's attorney~~ State's Attorney may appoint an investigator and,  
5           with the approval of the Governor, shall fix the investigator's pay not to  
6           exceed that of a noncommissioned officer of the Department of Public Safety,  
7           and may remove the investigator at will.

8           (2) An investigator shall be reimbursed for necessary expenses incurred  
9           in connection with his or her official duties when approved by the ~~state's~~  
10          ~~attorney~~ State's Attorney and the Commissioner of Human Resources.

11          (3) Investigators shall take part in the investigation of crime, the  
12          detection of persons suspected of committing crimes, the preparation of any  
13          criminal cause for trial, and other tasks related to the ~~state's attorney's office~~  
14          Office of the State's Attorney.

15          (4) No person may be appointed as an investigator unless he or she has  
16          had appropriate experience in investigative work for a period of not less than  
17          two years, including employment as a private detective or a law enforcement  
18          officer, or has successfully completed a course of training under 20 V.S.A.  
19          chapter 151.

20          (b) A person appointed as an investigator who has ~~successfully completed a~~  
21          ~~course of training under 20 V.S.A. chapter 151~~ obtained certification as a

1 Level III law enforcement officer under the provisions of 20 V.S.A. § 2358  
2 shall have the same powers as sheriffs in criminal matters and the enforcement  
3 of the law and in serving criminal process, and shall have all the immunities  
4 and matters of defense now available or hereafter made available to sheriffs in  
5 a suit brought against them in consequence for acts done in the course of their  
6 employment.

7 \* \* \* Constables \* \* \*

8 Sec. 14. 24 V.S.A. § 1936a is amended to read:

9 § 1936a. CONSTABLES; POWERS AND QUALIFICATIONS

10 \* \* \*

11 (d) A municipal legislative body may vote to allow a constable elected or  
12 appointed in another municipality to exercise law enforcement authority in its  
13 municipality, provided that:

14 (1) the constable is not prohibited from exercising law enforcement  
15 authority under subsection (a) of this section;

16 (2) the constable ~~has completed the training requirements for a full-time~~  
17 ~~or part-time law enforcement officer~~ is certified to exercise that level of  
18 authority under 20 V.S.A. § 2358; and

19 (3) the exercise of law enforcement authority is conducted in accordance  
20 with policies and procedures adopted by the legislative body establishing the  
21 circumstances under which the authority may be exercised.



1 of this title. The required training shall include ~~but not be limited to~~ training in  
2 search and seizure, criminal law, authority to arrest, use of force, reporting and  
3 record keeping, and liability for actions and conduct.

4 (b) The ~~commissioner~~ Commissioner may also authorize and designate any  
5 correctional officer as defined in subdivision 3(10) of this title to become  
6 certified by the ~~criminal justice training council~~ Vermont Criminal Justice  
7 Training Council as a ~~part-time~~ law enforcement officer; pursuant to the  
8 provisions of ~~chapter 151 of Title 20 V.S.A.~~ chapter 151. The ~~commissioner~~  
9 Commissioner and the ~~director of the training academy~~ Executive Director of  
10 the Vermont Criminal Justice Training Council shall develop curriculum  
11 subject to the approval of the ~~training council~~ Council. The ~~commissioner~~  
12 Commissioner by ~~department~~ Department policy may prescribe the use of  
13 those law enforcement powers consistent with the official duties and job  
14 descriptions of the correctional officer, and may direct that the correctional  
15 officer not carry any weapon while on duty. Any person hereby certified shall  
16 be sworn by the ~~commissioner~~ Commissioner.

17 \* \* \* Effective Dates \* \* \*

18 Sec. 17. EFFECTIVE DATES

19 This act shall take effect on July 1, 2015 except this section and Sec. 6  
20 (transitional provisions; grandfathering of part-time or full-time certified law



1 enforcement officers; rulemaking authority), which shall take effect on  
2 passage.

3 and that after passage the title of the bill be amended to read: “An act relating  
4 to establishing different levels of certification and scopes of practice for law  
5 enforcement officers”.

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9 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

11

Representative \_\_\_\_\_

12

FOR THE COMMITTEE

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