

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~~ The fees
3 for basic training shall not be charged for persons employed by police agencies
4 at the time 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 in accordance with the
12 provisions of this section:

13 (1) Level I certification.

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

19 (B)(i) The scope of practice of a Level I law enforcement officer
20 shall be limited to security, transport, vehicle escorts, and traffic control, as
21 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 respond to calls regarding
19 alleged crimes in progress and to react to the circumstances described in
20 subdivision (B) of this subdivision (2).

1 (B)(i) The scope of practice of a Level II law enforcement officer
2 shall be limited to the scope of practice of his or her basic training and the
3 scope of practice of his or her certified specialized practice area, except that a
4 Level II officer may respond to calls regarding alleged crimes in progress and
5 may react in the following circumstances if the officer determines that it is
6 necessary to do any of the following:

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

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

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

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

15 (ii) If a Level II officer responds to calls regarding alleged crimes
16 in progress or reacts to any of the circumstances described in subdivision (i) of
17 this subdivision (B) and that response or reaction is outside the scope of his or
18 her scope of practice, he or she shall call upon a Level III officer to respond
19 and assume law enforcement authority over the incident.

1 (3) Level III certification.

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

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

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

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

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

1 investigator employed by the Department of Environmental Conservation who
2 exercises law enforcement powers.

3 (2) ~~“Full time law enforcement officer” means a law enforcement~~
4 ~~officer with duties of a predictable and continuing nature which require more~~
5 ~~than 32 hours per week and more than 25 weeks per year~~ “Off-site training”
6 means training provided off the premises of a law enforcement officer training
7 school and approved by the Council under the provisions of section 2355 of
8 this chapter.

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

11 ~~(d) The council may determine whether a particular position is full time or~~
12 ~~part time.~~

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

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

17 § 2361. ADDITIONAL TRAINING

18 (a) Nothing in this chapter prohibits any ~~commissioner, department or State~~
19 ~~agency head, department, or office~~ of the State
20 from providing additional training beyond basic training to its personnel in

1 ~~their agencies or departments~~ where no certification is requested from the
2 ~~director~~ of or required by the council Council or its Executive Director.

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

7 Sec. 6. TRANSITIONAL PROVISIONS; GRANDFATHERING OF
8 PART-TIME OR FULL-TIME CERTIFIED LAW ENFORCEMENT
9 OFFICERS; RULEMAKING AUTHORITY

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

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

1 complete the next annual in-service training for a Level I or Level II law
2 enforcement officer.

3 (b) The Vermont Criminal Justice Training Council shall adopt rules
4 in order to implement the provisions of Secs. 2 (amending 20 V.S.A. § 2355
5 (powers and duties)), 4 (amending 20 V.S.A. § 2358 (minimum training
6 standards; definitions)), and this section prior to the effective date of
7 Secs. 2 and 4.

8 * * * Investigators Employed by the Secretary of State * * *

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

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

18 * * * Vermont Employees Retirement System * * *

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

20 § 455. DEFINITIONS

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

4 * * *

5 (9) “Employee” shall mean:

6 * * *

7 (B) any regular officer or employee of the Department of Public
8 Safety assigned to police and law enforcement duties, including the
9 Commissioner of Public Safety appointed before July 1, 2001; but, irrespective
10 of the member’s classification, shall not include any member of the General
11 Assembly as such, any person who is covered by the Vermont Teachers’
12 Retirement System, any person engaged under retainer or special agreement or
13 C beneficiary employed by the Department of Public Safety for not more than
14 208 hours per year, or any person whose principal source of income is other
15 than State employment. In all cases of doubt, the Retirement Board shall
16 determine whether any person is an employee as defined in this subchapter.
17 Also included under this subdivision are employees of the Department of
18 Liquor Control who exercise law enforcement powers, employees of the
19 Department of Fish and Wildlife assigned to law enforcement duties, motor
20 vehicle inspectors, full-time deputy sheriffs ~~employed~~ compensated by the
21 State of Vermont whose primary function is transports, full-time members of

1 the capitol police force, investigators employed by the Criminal Division of the
2 Office of the Attorney General, Department of State's Attorneys, Department
3 of Health, or Office of the Secretary of State, who have attained ~~full-time~~
4 Level III law enforcement officer certification from the Vermont Criminal
5 Justice Training Council, who are required to perform law enforcement duties
6 as the primary function of their employment, and who may be subject to
7 mandatory retirement permissible under 29 U.S.C. ~~section~~ § 623(j), who are
8 first included in membership of the system on or after July 1, 2000. Also
9 included under this subdivision are full-time firefighters employed by the State
10 of Vermont.

11 * * *

12 * * * Railroad Police * * *

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

14 Subchapter 8. Railroad Police

15 § 3755. COMMISSIONS

16 Upon petition of a person or corporation owning or operating a railroad, the
17 ~~commissioner of public safety~~ Commissioner of Public Safety may, subject to
18 the provisions of section 3757 of this subchapter, commission any employees
19 of the railroad as the person or corporation designates to act as police officers
20 in and upon the premises and equipment owned, managed, or used by a

1 railroad, shall issue commissions to the employees ~~to act as police so~~
2 commissioned, and shall have the authority to rescind such commissions.

3 * * *

4 § 3757. QUALIFICATIONS

5 Persons commissioned pursuant to section 3755 of this ~~title~~ subchapter shall
6 be subject to minimum training standards established by rule of the Vermont
7 ~~criminal justice training council~~ Criminal Justice Training Council pursuant to
8 20 V.S.A. chapter 151; ~~provided that persons employed as full time railroad~~
9 ~~police before January 1, 1981, shall have until July 1, 1984, to meet the~~
10 ~~minimum training standards or equivalent standards as determined by the~~
11 ~~council, and may continue to function under laws in effect prior to passage of~~
12 ~~this subchapter until July 1984, or until receiving a commission under this~~
13 ~~subchapter, whichever occurs sooner.~~

14 * * *

15 § 3763. TERMINATION OF AUTHORITY

16 Upon termination of employment as a railroad police officer of any person
17 commissioned pursuant to this subchapter, the person's commission shall be
18 automatically rescinded and his or her powers as a police officer shall
19 terminate. Within 10 days after the termination, the employing railroad shall
20 file a notice of the termination with the ~~commissioner of public safety~~
21 Commissioner of Public Safety and the Vermont Criminal Justice Training

1 Council. The ~~state~~ State of Vermont shall not be responsible for the
2 supervision, discipline, or decision to terminate the employment of persons
3 commissioned as railroad police officers under this subchapter.

4 * * * Game Wardens * * *

5 Sec. 10. 10 V.S.A. § 4198 is amended to read:

6 § 4198. POLICE POWERS; TRAINING; STATE GAME WARDENS;
7 DEPUTY GAME WARDENS

8 Upon ~~certification by the executive director of the criminal justice training~~
9 ~~council of the successful completion of the training program for~~ obtaining from
10 the Vermont Criminal Justice Training Council Level III law enforcement
11 ~~officers~~ officer certification as established in 20 V.S.A. § 2358, ~~state~~ State
12 game wardens and deputy game wardens shall have the same law enforcement
13 authority, duties, and powers as ~~state police~~ State Police, sheriffs, constables,
14 and municipal police, and shall have all immunities and defenses now or
15 hereafter available to state police, sheriffs, constables, and municipal police in
16 a suit brought against them in consequence of acts done in the course of their
17 employment. State game wardens and deputy game wardens shall receive their
18 regular compensation during the time they are enrolled in the Vermont
19 Criminal Justice Training Council training program.

1 * * * Crimes and Criminal Procedure * * *

2 Sec. 11. 13 V.S.A. § 4010 is amended to read:

3 § 4010. GUN SILENCERS

4 A person who manufactures, sells, uses, or possesses with intent to sell or
5 use an appliance known as or used for a gun silencer shall be fined \$25.00 for
6 each offense. The provisions of this section shall not prevent the use or
7 possession of gun silencers by:

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

13 (2) the Vermont National Guard in connection with its duties and
14 responsibilities.

15 * * * Sheriffs * * *

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

17 § 1182. SHERIFFS

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

1 (b) Compensation under subsection (a) of this section shall be reduced by
2 10 percent for any sheriff who has not ~~completed the full-time training~~
3 ~~requirements~~ obtained Level III law enforcement officer certification under
4 20 V.S.A. § 2358.

5 * * * Investigators Appointed by a State's Attorney * * *

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

7 § 364. INVESTIGATOR

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

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

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

19 (4) No person may be appointed as an investigator unless he or she has
20 had appropriate experience in investigative work for a period of not less than
21 two years, including employment as a private detective or a law enforcement

1 officer, or has successfully completed a course of training under 20 V.S.A.
2 chapter 151.

3 (b) A person appointed as an investigator who has ~~successfully completed a~~
4 ~~course of training under 20 V.S.A. chapter 151~~ obtained certification as a
5 Level III law enforcement officer under the provisions of 20 V.S.A. § 2358
6 shall have the same powers as sheriffs in criminal matters and the enforcement
7 of the law and in serving criminal process, and shall have all the immunities
8 and matters of defense now available or hereafter made available to sheriffs in
9 a suit brought against them in consequence for acts done in the course of their
10 employment.

11 * * * Constables * * *

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

13 § 1936a. CONSTABLES; POWERS AND QUALIFICATIONS

14 * * *

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

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

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

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

7 * * * Investigators Employed by the Board of Medical Practice * * *

8 Sec. 15. 26 V.S.A. § 1351 is amended to read:

9 § 1351. BOARD OF MEDICAL PRACTICE

10 * * *

11 (f) Classified ~~state~~ State employees who are employed as investigators by
12 the ~~department of health~~ Department of Health who ~~have successfully met the~~
13 ~~standards of training for a full-time~~ are certified as a Level III law enforcement
14 officer under ~~20 V.S.A. chapter 151~~ 20 V.S.A. § 2358 shall have the same
15 powers as sheriffs in criminal matters and the enforcement of the law and in
16 serving criminal process, and shall have all the immunities and matters of
17 defense now available or hereafter made available to sheriffs in a suit brought
18 against them in consequence for acts done in the course of their employment.

19 * * * Correctional Officers * * *

20 Sec. 16. 28 V.S.A. § 551a is amended to read:

1 § 551a. LAW ENFORCEMENT POWERS OF CORRECTIONAL
2 OFFICERS; TRAINING REQUIREMENTS

3 (a) The ~~commissioner of corrections~~ Commissioner of Corrections shall
4 establish training requirements necessary for a correctional officer to be
5 authorized to exercise the power to arrest a person on probation under section
6 301 of this title, to arrest a person serving supervised community sentence
7 under section 363 of this title, or to arrest a person on parole under section 551
8 of this title. The required training shall include ~~but not be limited to~~ training in
9 search and seizure, criminal law, authority to arrest, use of force, reporting and
10 record keeping, and liability for actions and conduct.

11 (b) The ~~commissioner~~ Commissioner may also authorize and designate any
12 correctional officer as defined in subdivision 3(10) of this title to become
13 certified by the ~~criminal justice training council~~ Vermont Criminal Justice
14 Training Council as a ~~part-time~~ law enforcement officer, pursuant to the
15 provisions of ~~chapter 151 of Title 20 V.S.A. chapter 151~~. The ~~commissioner~~
16 Commissioner and the ~~director of the training academy~~ Executive Director of
17 the Vermont Criminal Justice Training Council shall develop curriculum
18 subject to the approval of the ~~training council~~ Council. The ~~commissioner~~
19 Commissioner by ~~department~~ Department policy may prescribe the use of
20 those law enforcement powers consistent with the official duties and job
21 descriptions of the correctional officer, and may direct that the correctional

1 officer not carry any weapon while on duty. Any person hereby certified shall
2 be sworn by the ~~commissioner~~ Commissioner.

3 * * * Effective Dates * * *

4 Sec. 17. EFFECTIVE DATES

5 This act shall take effect on July 1, 2015 except this section and Sec. 6
6 (transitional provisions; grandfathering of part-time or full-time certified law
7 enforcement officers; rulemaking authority), which shall take effect on
8 passage.

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

12

13

14

15 (Committee vote: _____)

16

17

18

19

Representative _____

FOR THE COMMITTEE