

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) whether each law enforcement agency should be required to have an  
14           effective internal affairs program and, if so, what should be included in that  
15           program;

16           (2) when and under what circumstances a law enforcement agency  
17           should report alleged unprofessional conduct to the Vermont Criminal Justice  
18           Training Council;

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

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

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

7           (e) Meetings.

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

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

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

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

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

17           (f) Reimbursement. Members of the Committee who are not employees of  
18           the State of Vermont and who are not otherwise compensated or reimbursed  
19           for their attendance shall be entitled to per diem compensation and  
20           reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five  
21           meetings.

1                   \* \* \* E-911, Dispatch, and Call-taking Services \* \* \*

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

3           (a) Creation and duties of working group.

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

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

8                           (B) the manner in which dispatch services are currently provided and  
9                   funded and whether there should be any changes to this structure.

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

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

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

20                   (b) Membership. Members of the working group shall include a  
21                   representative from each of the following entities: the Enhanced 911 Board;

1 the Department of Public Safety; the Vermont State Employees' Association;  
2 the Vermont League of Cities and Towns; the Vermont State Firefighters'  
3 Association; the Vermont Ambulance Association; the Vermont Association of  
4 Chiefs of Police; and the Vermont Sheriffs' Association.

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

11 (d) Report. On or before January 15, 2017, the group shall report its  
12 findings and recommendations to the House Committees on Commerce and  
13 Economic Development, on Government Operations, on Appropriations, and  
14 on Ways and Means and to the Senate Committees on Finance, on Government  
15 Operations, on Appropriations, and on Economic Development, Housing and  
16 General Affairs, and to the Governor.

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

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

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

4 \* \* \* Law Enforcement Officers; Training and Scope of Practice \* \* \*

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

6 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

7 \* \* \*

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 \* \* \*

15 (B)(i) The scope of practice of a Level I law enforcement officer  
16 shall be limited to security, transport, vehicle escorts, and traffic control, as  
17 those terms are defined by the Council ~~by rule~~, except that a Level I officer  
18 may react in the following circumstances if the officer determines that it is  
19 necessary to do any of the following:

20 \* \* \*

1 (2) Level II certification.

2 (A) An applicant for certification as a Level II law enforcement  
3 officer shall first complete Level II basic training and may then become  
4 certified in a specialized practice area as set forth in subdivision (B)(ii) of this  
5 subdivision (2). Level II basic training shall include training to respond to  
6 calls regarding alleged crimes in progress and to react to the circumstances  
7 described in subdivision (B)(iii) of this subdivision (2). Level II basic training  
8 shall consist of at least 300 hours, and Level II basic training and annual  
9 in-service training shall consist of at least 75 percent of the physical fitness that  
10 is required for a Level III law enforcement officer, as determined by the  
11 Council.

12 (B)(i) Except as provided in subdivisions (ii) and (iii) of this  
13 subdivision (B), the scope of practice of a Level II law enforcement officer  
14 shall be limited to investigating the following matters:

15 (I) 7 V.S.A. § 657 (person under 21 years of age  
16 misrepresenting age procuring, possessing, or consuming alcoholic beverages;  
17 third or subsequent offense);

18 (II) 7 V.S.A. § 658 (sale or furnishing to minors; enabling  
19 consumption by minors);

20 ~~(H)~~(III) 13 V.S.A. chapter 7 (advertisements);

1                   ~~(III)~~(IV) 13 V.S.A. chapter 8 (humane and proper treatment of  
2 animals);

3                   ~~(IV)~~(V) 13 V.S.A. §§ 505 (fourth degree arson), 508 (setting  
4 fires), and 509 (attempts);

5                   ~~(V)~~(VI) 13 V.S.A. chapter 19, subchapter 1 (riots);

6                   ~~(VI)~~(VII) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023  
7 (simple assault), 1025 (recklessly endangering another person), 1026  
8 (disorderly conduct), 1026a (aggravated disorderly conduct), 1027 (disturbing  
9 peace by use of telephone or other electronic communications), 1030 (violation  
10 of an abuse prevention order, an order against stalking or sexual assault, or a  
11 protective order concerning contact with a child), 1031 (interference with  
12 access to emergency services), 1042 (domestic assault), and 1062 (stalking);

13                   ~~(VII)~~(VIII) 13 V.S.A. chapter 35 (escape);

14                   ~~(VIII)~~(IX) 13 V.S.A. chapter 41 (false alarms and reports);

15                   ~~(IX)~~(X) 13 V.S.A. chapter 45 (flags and ensigns);

16                   ~~(X)~~(XI) 13 V.S.A. chapter 47 (frauds);

17                   ~~(XI)~~(XII) 13 V.S.A. chapter 49 (fraud in commercial  
18 transactions);

19                   ~~(XII)~~(XIII) 13 V.S.A. chapter 51 (gambling and lotteries);

20                   ~~(XIII)~~(XIV) 13 V.S.A. chapter 57 (larceny and embezzlement),  
21 except for subchapter 2 (embezzlement);



1                   ~~(XIV)~~(XV) 13 V.S.A. chapter 67 (public justice and public  
2 officers);

3                   ~~(XV)~~(XVI) 13 V.S.A. chapter 69 (railroads);

4                   ~~(XVI)~~(XVII) 13 V.S.A. chapter 77 (trees and plants);

5                   ~~(XVII)~~(XVIII) 13 V.S.A. chapter 81 (trespass and malicious  
6 injuries to property);

7                   ~~(XVIII)~~(XIX) 13 V.S.A. chapter 83 (vagrants);

8                   ~~(XIX)~~(XX) 13 V.S.A. chapter 85 (weapons);

9                   ~~(XXI)~~ 13 V.S.A. § 7559(d), (e), and (f) (violating condition  
10 of release);

11                   ~~(XX)~~(XXII) 18 V.S.A. §§ 4230(a), 4230c, and 4230d  
12 (marijuana possession);

13                   ~~(XXI)~~(XXIII) 18 V.S.A. § 4231(a) (cocaine possession);

14                   ~~(XXII)~~(XXIV) 18 V.S.A. § 4232(a) (LSD possession);

15                   ~~(XXIII)~~(XXV) 18 V.S.A. § 4233(a) (heroin possession);

16                   ~~(XXIV)~~(XXVI) 18 V.S.A. § 4234(a) (depressant, stimulant, or  
17 narcotic drug possession);

18                   ~~(XXV)~~(XXVII) 18 V.S.A. § 4234a(a) (methamphetamine  
19 possession);

20                   ~~(XXVI)~~(XXVIII) 18 V.S.A. § 4235(b) (hallucinogenic drug  
21 possession);

1                   ~~(XXVII)~~(XXIX) 18 V.S.A. § 4235a(a) (ecstasy possession);  
2                   ~~(XXVIII)~~(XXX) 18 V.S.A. § 4476 (drug paraphernalia  
3 offenses);  
4                   (XXXI) 20 V.S.A. § 3132 (firework prohibitions);  
5                   ~~(XXXIX)~~(XXXII) 21 V.S.A. § 692(c)(2) (criminal violation of  
6 stop-work order);  
7                   ~~(XXX)~~(XXXIII) any misdemeanor set forth in Title 23 of the  
8 Vermont Statutes Annotated, except for 23 V.S.A. chapter 13, subchapter 13  
9 (drunken driving), 23 V.S.A. § 3207a (snowmobiling under the influence),  
10 23 V.S.A. § 3323 (boating under the influence), or 23 V.S.A. § 3506(b)(8)  
11 (operating an all-terrain vehicle under the influence);  
12                   ~~(XXXI)~~(XXXIV) any motor vehicle accident that includes  
13 property damage and injuries, as permitted by the Council by rule;  
14                   ~~(XXXII)~~(XXXV) any matter within the jurisdiction of the  
15 Judicial Bureau as set forth in 4 V.S.A. § 1102;  
16                   ~~(XXXIII)~~(XXXVI) municipal ordinance violations;  
17                   ~~(XXXIV)~~(XXXVII) any matter within the jurisdiction of a  
18 game warden or deputy game warden as set forth in 10 V.S.A. chapter 103,  
19 subchapter 4 (game wardens); and  
20                   ~~(XXXV)~~(XXXVIII) any matter within the scope of practice of  
21 a Level I law enforcement officer.

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Sec. 5. TRANSITIONAL PROVISION; LEVEL II; PHYSICAL FITNESS  
REQUIREMENTS

Notwithstanding the provisions of 20 V.S.A. § 2358(b)(2)(A) in Sec. 4 of this act that require Level II basic training and annual in-service training to consist of at least 75 percent of the physical fitness that is required for a Level III law enforcement officer:

(1) from July 1, 2016 to July 1, 2017, that physical fitness requirement shall consist of not more than 50 percent of that which is required for a Level III law enforcement officer, as determined by the Council; and

(2) from July 1, 2017 to July 1, 2018, that physical fitness requirement shall consist of not more than 65 percent of that which is required for a Level III law enforcement officer, as determined by the Council.

\* \* \* Electronic Control Devices; Policy Requirement \* \* \*

Sec. 6. 20 V.S.A. § 2367 is amended to read:

§ 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES;  
REPORTING

\* \* \*

(b) On or before January 1, 2015, the Law Enforcement Advisory Board shall establish a statewide policy on the use of and training requirements for the use of electronic control devices. ~~On or before January 1, 2016~~ Prior to

1 any use of or intent to use an electronic control device, every a State, local,  
2 county, ~~and~~ or municipal law enforcement agency ~~and every~~ or constable who  
3 is not employed by a law enforcement agency shall adopt this policy. If a law  
4 enforcement agency or officer ~~that is~~ was required to adopt a policy pursuant to  
5 this subsection ~~fails~~ but failed to do so on or before January 1, 2016, that  
6 agency or officer shall be deemed to have adopted, and shall follow and  
7 enforce, the model policy established by the Law Enforcement Advisory  
8 Board. The policy shall include the following provisions:

9 \* \* \*

10 (c) The Criminal Justice Training Council shall adopt rules and develop  
11 training to ensure that the policies and standards of this section are met. The  
12 Criminal Justice Training Council shall ensure that a law enforcement officer  
13 receives appropriate and sufficient training before becoming authorized to  
14 carry or use an electronic control device.

15 (d) On or before June 30, 2017, every State, ~~local,~~ county, and municipal  
16 law enforcement agency that employs one or more certified law enforcement  
17 officers shall ensure that all officers have completed the training established in  
18 2004 Acts and Resolves No. 80, Sec. 13(a), and every constable who is not  
19 employed by a law enforcement agency shall have completed this training.

20 \* \* \*

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

5 (g) The Law Enforcement Advisory Board shall:

6 (1) study and make recommendations as to whether officers authorized  
7 to carry electronic control devices should be required to wear body  
8 cameras; and

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

11 ~~(3) on or before January 15, 2015, report to the House and Senate~~  
12 ~~Committees on Government Operations and on Judiciary concerning the~~  
13 ~~recommendations and policy developed pursuant to subdivisions (1) and (2) of~~  
14 ~~this subsection; and~~

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

1           \* \* \* Intentionally Injuring or Killing Law Enforcement Animals \* \* \*

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

3           § 352a. AGGRAVATED CRUELTY TO ANIMALS

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

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

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

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

11           \* \* \* Forfeiture Proceeds to Vermont Police Academy \* \* \*

12           Sec. 8. 18 V.S.A. § 4247 is amended to read:

13           § 4247. DISPOSITION OF PROPERTY

14           (a) Whenever property is forfeited and delivered to the State Treasurer  
15 under this subchapter, the State Treasurer shall, no sooner than 90 days of the  
16 date the property is delivered, sell the property at a public sale held under  
17 ~~27 V.S.A. chapter 13~~ 27 V.S.A. chapter 14.

18           (b) The proceeds from the sale of forfeited property shall be used first to  
19 offset any costs of selling the property, and then, after any liens on the property  
20 have been paid in full, applied to payment of seizure, storage, and forfeiture

1 expenses, including animal care expenses related to the underlying violation.

2 Remaining proceeds shall be distributed as follows:

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

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

5 (i) the Office of the Attorney General;

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

7 (iii) State and local law enforcement agencies.

8 (B) The Governor's Criminal Justice and Substance Abuse Cabinet is  
9 authorized to determine the allocations among the groups listed in subdivision

10 (A) of this subdivision ~~(1)(2)~~, and may only reimburse the prosecutor and law  
11 enforcement agencies that participated in the enforcement effort resulting in

12 the forfeiture for expenses incurred, including actual expenses for involved

13 personnel. The proceeds shall be held by the Treasurer until the Cabinet

14 notifies the Treasurer of the allocation determinations, at which time the

15 Treasurer shall forward the allocated amounts to the appropriate agency's

16 operating funds.

17 ~~(2)(3)~~ The remaining ~~55~~ 50 percent shall be deposited in the General

18 Fund.

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

Sec. 9. EFFECTIVE DATES

This act shall take effect on passage, except the following shall take effect on July 1, 2016:

(1) In Sec. 4, in 20 V.S.A. § 2358(b)(2) (Level II certification), subdivision (A) (Level II basic training);

(2) Sec. 7, 13 V.S.A. § 352a (aggravated cruelty to animals); and

(3) Sec. 8, 18 V.S.A. § 4247 (disposition of property).

and that after passage the title of the bill be amended to read: “An act relating to law enforcement, 911 call-taking, and dispatch”

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

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE