

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate Bill
3 No. 124 entitled “An act relating to expanding the scope of practice of Level II
4 certified law enforcement officers” respectfully reports that it has considered
5 the 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 Sec. 1. 20 V.S.A. § 2358(b)(1) and (2), as amended by 2014 Acts and
8 Resolves No. 141, Sec. 5, are amended to read:

9 (1) Level I certification.

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

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

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

3 (III) detain or arrest an individual ~~whom~~ who the officer
4 reasonably believes has committed a crime in the presence of the officer; or

5 (IV) detain or arrest an individual ~~whom~~ who the officer
6 reasonably believes has committed a felony under Vermont law.

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

10 (2) Level II certification.

11 (A) An applicant for certification as a Level II law enforcement
12 officer shall first complete Level II basic training and may then become
13 certified in a specialized practice area as set forth in subdivision (B)(ii) of this
14 subdivision (2). Level II basic training shall include training to respond to
15 calls regarding alleged crimes in progress and to react to the circumstances
16 described in subdivision (B)(iii) of this subdivision (2).

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

20 (I) 7 V.S.A. § 658 (sale or furnishing to minors; enabling
21 consumption by minors);

1 (II) 13 V.S.A. chapter 7 (advertisements);
2 ~~(H)~~ (III) 13 V.S.A. chapter 8 (humane and proper treatment of
3 animals);
4 (IV) 13 V.S.A. §§ 505 (fourth degree arson), 508 (setting fires),
5 and 509 (attempts);
6 ~~(HH)~~ (V) 13 V.S.A. chapter 19, subchapter 1 (riots);
7 ~~(IV)~~ (VI) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023
8 (simple assault), 1025 (recklessly endangering another person), 1026
9 (disorderly conduct), ~~and~~ 1027 (disturbing peace by use of telephone or other
10 electronic communications), 1030 (violation of an abuse prevention order, an
11 order against stalking or sexual assault, or a protective order concerning
12 contact with a child), 1031 (interference with access to emergency services),
13 1042 (domestic assault), and 1062 (stalking);
14 ~~(V)~~ (VII) 13 V.S.A. chapter 35 (escape);
15 ~~(VV)~~ (VIII) 13 V.S.A. chapter 41 (false alarms and reports);
16 ~~(VII)~~ (IX) 13 V.S.A. chapter 45 (flags and ensigns);
17 ~~(VIII)~~ (X) 13 V.S.A. chapter 47 (frauds);
18 ~~(IX)~~ (XI) 13 V.S.A. chapter 49 (fraud in commercial
19 transactions);
20 ~~(X)~~ (XII) 13 V.S.A. chapter 51 (gambling and lotteries);

1 ~~(XI)~~ (XIII) 13 V.S.A. chapter 57 (larceny and embezzlement),
2 except for subchapter 2 (embezzlement);
3 ~~(XII)~~ (XIV) 13 V.S.A. chapter 67 (public justice and public
4 officers);
5 ~~(XIII)~~ (XV) 13 V.S.A. chapter 69 (railroads);
6 ~~(XIV)~~ (XVI) 13 V.S.A. chapter 77 (trees and plants);
7 ~~(XV)~~ (XVII) 13 V.S.A. chapter 81 (trespass and malicious
8 injuries to property);
9 ~~(XVI)~~ (XVIII) 13 V.S.A. chapter 83 (vagrants);
10 ~~(XVII)~~ (XIX) 13 V.S.A. chapter 85 (weapons);
11 ~~(XVIII)~~ (XX) 18 V.S.A. § 4230(a) (marijuana possession)
12 (XXI) 18 V.S.A. § 4231(a) (cocaine possession);
13 (XXII) 18 V.S.A. § 4232(a) (LSD possession);
14 (XXIII) 18 V.S.A. § 4233(a) (heroin possession);
15 (XXIV) 18 V.S.A. § 4234(a) (depressant, stimulant, or narcotic
16 drug possession);
17 (XXV) 18 V.S.A. § 4234a(a) (methamphetamine possession);
18 (XXVI) 18 V.S.A. § 4235(b) (hallucinogenic drug possession);
19 (XXVII) 18 V.S.A. § 4235a(a) (ecstasy possession);
20 (XXVIII) 18 V.S.A. § 4476 (drug paraphernalia offenses);

1 (XXIX) 21 V.S.A. § 692(c)(2) (criminal violation of stop-work
2 order);

3 (XXX) any misdemeanor set forth in Title 23 of the Vermont
4 Statutes Annotated, except for 23 V.S.A. chapter 13, subchapter 13 (drunken
5 driving);

6 (XXXI) any motor vehicle accident that includes property
7 damage and injuries, as permitted by the Council by rule;

8 (XXXII) any matter within the jurisdiction of the Judicial
9 Bureau as set forth in 4 V.S.A. § 1102;

10 ~~(XIX)~~ (XXXIII) municipal ordinance violations;

11 ~~(XX)~~ (XXXIV) any matter within the jurisdiction of a game
12 warden or deputy game warden as set forth in 10 V.S.A. chapter 103,
13 subchapter 4 (game wardens); and

14 ~~(XXI)~~ (XXXV) any matter within the scope of practice of a
15 Level I law enforcement officer.

16 (ii) In addition to the scope of practice permitted under
17 subdivision (i) of this subdivision (B), a Level II law enforcement officer may
18 also practice in additional areas approved in writing by the Council based on a
19 special certification or training approved by the Council ~~pursuant to rules~~
20 ~~adopted by the Council.~~

1 (iii) Notwithstanding the limitations set forth in subdivisions (i)
2 and (ii) of this subdivision (B), a Level II officer may respond to calls
3 regarding alleged crimes in progress and may react in the following
4 circumstances if the officer determines that it is necessary to do any of the
5 following:

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

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

10 (III) detain or arrest an individual ~~whom~~ who the officer
11 reasonably believes has committed a crime in the presence of the officer; or

12 (IV) detain or arrest an individual ~~whom~~ who the officer
13 reasonably believes has committed a felony under Vermont law.

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

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2015.

1 and that after passage the title of the bill be amended to read: “An act relating
2 to the scopes of practice of Level I and Level II certified law enforcement
3 officers”.

4

5 (Committee vote: _____)

6

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Senator _____

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FOR THE COMMITTEE