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) the number of hours that should be required for Level II basic
14	training and the physical fitness that should be required for Level II basic
15	training and annual in-service training;
16	(2) whether each law enforcement agency should be required to have an
17	effective internal affairs program and, if so, what should be included in that
18	program;
19	(3) when and under what circumstances a law enforcement agency
20	should report alleged unprofessional conduct to the Vermont Criminal Justice
21	Training Council;

1	(4) when the Council should be able to investigate and take further
2	action on reports of alleged law enforcement officer unprofessional conduct,
3	including the Council's ability to summarily suspend an officer; and
4	(5) what types of discipline the Council should be able to impose on a
5	law enforcement officer's certification.
6	(d) Report. On or before December 1, 2016, the Committee shall report to
7	the House and Senate Committees on Government Operations with its findings
8	and recommendations for legislative action. The report may be in the form of
9	proposed legislation.
10	(e) Meetings.
11	(1) The Commissioner of Public Safety shall call the first meeting of the
12	Committee, to occur on or before August 1, 2016.
13	(2) At its first meeting, the Committee shall elect a chair from among its
14	members.
15	(3)(A) A majority of the membership shall constitute a quorum.
16	(B) Notwithstanding 1 V.S.A. § 172, an action may be taken by the
17	Committee with the assent of a majority of the members attending, assuming a
18	<u>quorum.</u>
19	(4) The Committee shall cease to exist on December 2, 2016.
20	(f) Reimbursement. Members of the Committee who are not employees of
21	the State of Vermont and who are not otherwise compensated or reimbursed

1	for their attendance shall be entitled to per diem compensation and
2	reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five
3	meetings.
4	* * * E-911, Dispatch, and Call-taking Services * * *
5	Sec. 2. E-911; DISPATCH; WORKING GROUP
6	(a) Creation and duties of working group.
7	(1) A working group shall be formed to study and make
8	recommendations regarding:
9	(A) the most efficient, reliable, and cost-effective means for
10	providing statewide call-taking operations for Vermont's 911 system; and
11	(B) the manner in which dispatch services are currently provided and
12	funded, including funding disparity, and whether there should be any changes
13	to this structure.
14	(2) Among other things, the group shall make findings related to the
15	financing, operations, and geographical location of 911 call-taking services. In
16	addition, the group's findings shall include a description of the number and
17	nature of calls received, and an evaluation of current and potential State and
18	local partnerships with respect to the provision of such services.
19	(3) The group shall take into consideration the "Enhanced 9-1-1 Board
20	Operational and Organizational Report," dated September 4, 2015.

1	(4) The group's recommendations shall strive to achieve the best
2	possible outcome in terms of ensuring the health and safety of Vermonters and
3	Vermont communities.
4	(b) Membership. Members of the working group shall include a
5	representative from each of the following entities: the Enhanced 911 Board;
6	the Department of Public Safety; the Vermont State Employees' Association;
7	the Vermont League of Cities and Towns; the Vermont State Firefighters'
8	Association; the Vermont Ambulance Association; the Vermont Association of
9	Chiefs of Police; the Vermont Police Association; and the Vermont Sheriffs'
10	Association.
11	(c) Meetings. The representative from the E-911 Board shall convene the
12	first meeting of the working group, at which the group shall elect a chair and
13	vice chair from among its members. The group shall meet as needed, and shall
14	receive administrative and staffing support from the Department of Public
15	Safety, and may request relevant financial information from the Joint Fiscal
16	Office.
17	(d) Report. On or before January 15, 2017, the group shall report its
18	findings and recommendations to the House Committees on Commerce and
19	Economic Development, on Government Operations, on Appropriations, and
20	on Ways and Means and to the Senate Committees on Finance, on Government

1	Operations, on Appropriations, and on Economic Development, Housing and
2	General Affairs, and to the Governor.
3	(e) Reimbursement. Members of the working group who are not
4	employees of the State of Vermont and who are not otherwise compensated or
5	reimbursed for their attendance shall be entitled to per diem compensation and
6	reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five
7	meetings.
8	Sec. 3. DEPARTMENT OF PUBLIC SAFETY; 911 CALL-TAKING
9	The Department of Public Safety shall continue to provide 911 call-taking
10	services unless otherwise directed by legislative enactment.
11	* * * Law Enforcement Officers; Training and Scope of Practice * * *
12	Sec. 4. 20 V.S.A. § 2358 is amended to read:
13	§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS
14	* * *
15	(b) The Council shall offer or approve basic training and annual in-service
16	training for each of the following three levels of law enforcement officer
17	certification in accordance with the scope of practice for each level, and shall
18	determine by rule the scope of practice for each level in accordance with the
19	provisions of this section:
20	(1) Level I certification.
21	* * *

1	(B)(i) The scope of practice of a Level I law enforcement officer
2	shall be limited to security, transport, vehicle escorts, and traffic control, as
3	those terms are defined by the Council by rule, except that a Level I officer
4	may react in the following circumstances if the officer determines that it is
5	necessary to do any of the following:
6	* * *
7	(2) Level II certification.
8	* * *
9	(B)(i) Except as provided in subdivisions (ii) and (iii) of this
10	subdivision (B), the scope of practice of a Level II law enforcement officer
11	shall be limited to investigating the following matters:
12	(I) 7 V.S.A. § 657 (person under 21 years of age
13	misrepresenting age procuring, possessing, or consuming alcoholic beverages;
14	third or subsequent offense);
15	(II) 7 V.S.A. § 658 (sale or furnishing to minors; enabling
16	consumption by minors);
17	(II)(III) 13 V.S.A. chapter 7 (advertisements);
18	(III)(IV) 13 V.S.A. chapter 8 (humane and proper treatment of
19	animals);
20	(IV)(V) 13 V.S.A. §§ 505 (fourth degree arson), 508 (setting
21	fires), and 509 (attempts);

1	(V)(VI) 13 V.S.A. chapter 19, subchapter 1 (riots);
2	(VI)(VII) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023
3	(simple assault), 1025 (recklessly endangering another person), 1026
4	(disorderly conduct), 1026a (aggravated disorderly conduct), 1027 (disturbing
5	peace by use of telephone or other electronic communications), 1030 (violation
6	of an abuse prevention order, an order against stalking or sexual assault, or a
7	protective order concerning contact with a child), 1031 (interference with
8	access to emergency services), 1042 (domestic assault), and 1062 (stalking);
9	(VII)(VIII) 13 V.S.A. chapter 35 (escape);
10	(VIII)(IX) 13 V.S.A. chapter 41 (false alarms and reports);
11	(IX)(X) 13 V.S.A. chapter 45 (flags and ensigns);
12	(X)(XI) 13 V.S.A. chapter 47 (frauds);
13	(XI)(XII) 13 V.S.A. chapter 49 (fraud in commercial
14	transactions);
15	(XII)(XIII) 13 V.S.A. chapter 51 (gambling and lotteries);
16	(XIII)(XIV) 13 V.S.A. chapter 57 (larceny and embezzlement),
17	except for subchapter 2 (embezzlement);
18	(XIV)(XV) 13 V.S.A. chapter 67 (public justice and public
19	officers);
20	(XV)(XVI) 13 V.S.A. chapter 69 (railroads);
21	(XVI)(XVII) 13 V.S.A. chapter 77 (trees and plants);

1		(XVII)(XVIII) 13 V.S.A. chapter 81 (trespass and malicious
2	injuries to pro	operty);
3		(XVIII)(XIX) 13 V.S.A. chapter 83 (vagrants);
4		(XIX)(XX) 13 V.S.A. chapter 85 (weapons);
5		(XXI) 13 V.S.A. § 7559(d), (e), and (f) (violating condition
6	of release);	
7		(XX)(XXII) 18 V.S.A. §§ 4230(a), 4230c, and 4230d
8	(marijuana po	ossession);
9		(XXI)(XXIII) 18 V.S.A. § 4231(a) (cocaine possession);
10		(XXII)(XXIV) 18 V.S.A. § 4232(a) (LSD possession);
11		(XXIII)(XXV) 18 V.S.A. § 4233(a) (heroin possession);
12		(XXIV)(XXVI) 18 V.S.A. § 4234(a) (depressant, stimulant, or
13	narcotic drug	possession);
14		(XXV)(XXVII) 18 V.S.A. § 4234a(a) (methamphetamine
15	possession);	
16		(XXVI)(XXVIII) 18 V.S.A. § 4235(b) (hallucinogenic drug
17	possession);	
18		(XXVII)(XXIX) 18 V.S.A. § 4235a(a) (ecstasy possession);
19		(XXVIII)(XXX) 18 V.S.A. § 4476 (drug paraphernalia
20	offenses);	
21		(XXXI) 20 V.S.A. § 3132 (firework prohibitions);

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

1	* * * Electronic Control Devices; Policy Requirement * * *
2	Sec. 5. 20 V.S.A. § 2367 is amended to read:
3	§ 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES;
4	REPORTING
5	* * *
6	(b) On or before January 1, 2015, the Law Enforcement Advisory Board
7	shall establish a statewide policy on the use of and training requirements for
8	the use of electronic control devices. On or before January 1, 2016 Prior to
9	any use of or intent to use an electronic control device, every State, local,
10	county, and municipal, or other law enforcement agency and every constable
11	who is not employed by a law enforcement agency shall adopt this policy. If a
12	law enforcement agency or officer that is was required to adopt a policy
13	pursuant to this subsection fails but failed to do so on or before January 1,
14	2016, that agency or officer shall be deemed to have adopted, and shall follow
15	and enforce, the model policy established by the Law Enforcement Advisory
16	Board. The policy shall include the following provisions:
17	* * *
18	(c) The Criminal Justice Training Council shall adopt rules and develop
19	training to ensure that the policies and standards of this section are met. The
20	Criminal Justice Training Council shall ensure that a law enforcement officer

1	receives appropriate and sufficient training before becoming authorized to
2	carry or use an electronic control device.
3	(d) On or before June 30, 2017, every State, local, county, and municipal,
4	or other law enforcement agency that employs one or more certified law
5	enforcement officers shall ensure that all officers have completed the training
6	established in 2004 Acts and Resolves No. 80, Sec. 13(a), and every constable
7	who is not employed by a law enforcement agency shall have completed this
8	training.
9	* * *
10	(f) Every State, local, county, and municipal, <u>or other</u> law enforcement
11	agency and every constable who is not employed by a law enforcement agency
12	shall report all incidents involving the use of an electronic control device to the
13	Criminal Justice Training Council in a form to be determined by the Council.
14	(g) The Law Enforcement Advisory Board shall:
15	(1) study and make recommendations as to whether officers authorized
16	to carry electronic control devices should be required to wear body
17	cameras; and
18	(2) establish a policy on the calibration and testing of electronic control
19	devices ;
20	(3) on or before January 15, 2015, report to the House and Senate
21	Committees on Government Operations and on Judiciary concerning the

1	recommendations and policy developed pursuant to subdivisions (1) and (2) of
2	this subsection; and
3	(4) on or before April 15, 2015, ensure that all electronic control devices
4	carried or used by law enforcement officers are in compliance with the policy
5	established pursuant to subdivision (2) of this subsection.
6	* * * Intentionally Injuring or Killing Law Enforcement Animals * * *
7	Sec. 6. 13 V.S.A. § 352a is amended to read:
8	§ 352a. AGGRAVATED CRUELTY TO ANIMALS
9	A person commits the crime of aggravated cruelty to animals if the person:
10	(1) kills an animal by intentionally causing the animal undue pain or
11	suffering; or
12	(2) intentionally, maliciously, and without just cause tortures, mutilates,
13	or cruelly beats an animal; or
14	(3) intentionally injures or kills an animal that is in the performance of
15	official duties while under the supervision of a law enforcement officer.
16	* * * Forfeiture Proceeds to Vermont Police Academy * * *
17	Sec. 7. 18 V.S.A. § 4247 is amended to read:
18	§ 4247. DISPOSITION OF PROPERTY
19	(a) Whenever property is forfeited and delivered to the State Treasurer
20	under this subchapter, the State Treasurer shall, no sooner than 90 days of the

1	date the property is delivered, sell the property at a public sale held under
2	27 V.S.A. chapter 13 27 V.S.A. chapter 14.
3	(b) The proceeds from the sale of forfeited property shall be used first to
4	offset any costs of selling the property, and then, after any liens on the property
5	have been paid in full, applied to payment of seizure, storage, and forfeiture
6	expenses, including animal care expenses related to the underlying violation.
7	Remaining proceeds shall be distributed as follows:
8	(1) Five percent shall be distributed to the Vermont Police Academy.
9	(2)(A) Forty-five percent shall be distributed among:
10	(i) the Office of the Attorney General;
11	(ii) the Department of State's Attorneys and Sheriffs; and
12	(iii) State and local law enforcement agencies.
13	(B) The Governor's Criminal Justice and Substance Abuse Cabinet is
14	authorized to determine the allocations among the groups listed in subdivision
15	(A) of this subdivision $(1)(2)$, and may only reimburse the prosecutor and law
16	enforcement agencies that participated in the enforcement effort resulting in
17	the forfeiture for expenses incurred, including actual expenses for involved
18	personnel. The proceeds shall be held by the Treasurer until the Cabinet
19	notifies the Treasurer of the allocation determinations, at which time the
20	Treasurer shall forward the allocated amounts to the appropriate agency's
21	operating funds.

1	(2)(3) The remaining 55 50 percent shall be deposited in the General
2	Fund.
3	* * * Effective Dates * * *
4	Sec. 8. EFFECTIVE DATES
5	This act shall take effect on passage, except the following shall take effect
6	on July 1, 2016:
7	(1) Sec. 6, 13 V.S.A. § 352a (aggravated cruelty to animals); and
8	(2) Sec. 7, 18 V.S.A. § 4247 (disposition of property).
9	and that after passage the title of the bill be amended to read: "An act relating
10	to law enforcement, 911 call-taking, and dispatch"
11	
12	
13	(Committee vote:)
14	
15	Senator
16	FOR THE COMMITTEE
17	
18	