

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 221 entitled “An act relating to law enforcement officers” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

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

8 Sec. 1. 20 V.S.A. chapter 151 is amended to read:

9 CHAPTER 151. VERMONT CRIMINAL JUSTICE TRAINING COUNCIL

10 Subchapter 1. General Provisions

11 § 2351. CREATION AND PURPOSE OF COUNCIL

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

15 (b) The Council is created to encourage and assist municipalities, counties,
16 and governmental agencies of this State in their efforts to improve the quality
17 of law enforcement and citizen protection by maintaining a uniform standard
18 of recruit and in-service training for law enforcement officers, ~~including~~
19 ~~members of the Department of Public Safety, Capitol Police officers,~~
20 ~~municipal police officers, constables, correctional officers, prosecuting~~
21 ~~personnel, motor vehicle inspectors, State investigators employed on a~~

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1 full time basis by the Attorney General, fish and game wardens, sheriffs and
2 their deputies who exercise law enforcement powers pursuant to the provisions
3 of 24 V.S.A. §§ 307 and 311, railroad police commissioned pursuant to
4 5 V.S.A. chapter 68, subchapter 8, and police officers appointed to the
5 University of Vermont's Department of Police Services.

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 § 2351a. DEFINITIONS

12 As used in this chapter:

13 (1) "Executive officer" means the highest-ranking law enforcement
14 officer of a law enforcement agency.

15 (2) "Law enforcement agency" means the employer of a law
16 enforcement officer.

17 (3) "Law enforcement officer" means an employee of the Vermont
18 Police Academy who exercises law enforcement authority; a member of the
19 Department of Public Safety who exercises law enforcement powers; a
20 member of the State Police; a Capitol Police officer; a municipal police officer;
21 a constable who exercises law enforcement powers; a motor vehicle inspector;

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1 an employee of the Department of Liquor Control who exercises law
2 enforcement powers; an investigator employed by the Secretary of State; a
3 Board of Medical Practice investigator employed by the Department of Health;
4 an investigator employed by the Attorney General or a State’s Attorney; a fish
5 and game warden; a sheriff; a deputy sheriff who exercises law enforcement
6 powers; a railroad police officer commissioned pursuant to 5 V.S.A. chapter
7 68, subchapter 8; or a police officer appointed to the University of Vermont’s
8 Department of Police Services.

9 (4) “Off-site training” means training provided off the premises of a law
10 enforcement officer training school and approved by the Council under the
11 provisions of section 2355 of this chapter.

12 § 2352. ~~CREATION OF COUNCIL MEMBERSHIP~~

13 (a)(1) The Vermont Criminal Justice Training Council shall consist of:

14 (A) the Commissioners of Public Safety, of Corrections, of Motor
15 Vehicles, and of Fish and Wildlife;;

16 (B) the Attorney General;;

17 (C) a member of the Vermont ~~State Police bargaining unit of the~~
18 ~~Vermont State Employees’ Association~~ Troopers’ Association or its successor
19 entity, elected by its membership, ~~and;~~

20 (D) a member of the Vermont Police Association, elected by its
21 membership. ~~The Governor shall appoint;~~

Comment [BAW1]: Note: Based on all below proposals, Council membership would consist of 16 members.

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1 (E) a member of the Chiefs of Police Association of Vermont, elected
2 by its membership;

3 (F) a member of the Vermont Sheriffs' Association, elected by its
4 membership;

5 (G) a member of the Vermont State's Attorneys Association, elected
6 by its membership;

7 (H) a member of the Vermont Constables Association, elected by its
8 membership;

9 (I) a representative from the Vermont League of Cities and Towns,
10 appointed by the Executive Director of the League;

11 (J) a law enforcement officer member of the Vermont State
12 Employees Association, elected by its membership;

13 (K) the Executive Director of the Center for Crime Victims Services
14 or designee; and

15 (L) five additional two public members so as to provide broad
16 representation of all aspects of law enforcement and the public in Vermont on
17 the Council appointed by the Governor. The Governor shall solicit
18 recommendations for appointment from the Vermont State's Attorneys
19 Association, the Vermont State's Sheriffs Association, the Vermont Police
20 Chiefs Association, and the Vermont Constables Association these
21 appointments, and during incumbency these public members shall not serve

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1 and shall have never served as a law enforcement officer, corrections officer,
2 or labor union officer, and shall not have an immediate family member who is
3 serving or has ever served as any of those officers.

4 (2) ~~Their~~ A member's term shall be three years.

5 * * *

6 § 2354. COUNCIL MEETINGS

7 (a) The ~~council~~ Council shall meet at least once in each quarter of each
8 year. Special meetings may be called by the ~~chairman~~ Chair or upon the
9 written request of six members of the ~~council~~ Council.

10 (b) The ~~council~~ Council shall adopt rules as to quorum and procedures with
11 respect to the conduct of its meetings and other affairs.

12 (c)(1) ~~The commissioner of public safety, the commissioner of corrections,~~
13 ~~the commissioner of motor vehicles, the commissioner of fish and wildlife, the~~
14 ~~attorney general, the representative from the Vermont troopers' association, the~~
15 ~~representative from the Vermont police association, and the representatives~~
16 ~~from the Vermont state's attorneys', sheriffs', and police chiefs' association,~~
17 ~~each~~ A member may designate in writing a person within ~~their~~ his or her
18 agency or association to attend a meeting or meetings of the ~~council~~ Council.
19 The designation shall be filed with the ~~chairman~~ Chair of the ~~council~~ Council.

20 (2) A person so designated shall have the same voting rights and
21 responsibilities as the ~~ex-officio~~ member at such meeting or meetings ~~except,~~

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1 but that the designee shall not automatically assume the member's place as an
2 officer of the ~~board~~ Council.

3 § 2355. COUNCIL POWERS AND DUTIES

4 (a) The Council shall adopt rules with respect to:

5 (1) the approval, or revocation thereof, of law enforcement officer
6 training schools and off-site training programs;

7 (2) minimum courses of study, attendance requirements, and equipment
8 and facilities to be required at approved law enforcement officer training
9 schools and off-site training programs;

10 (3) minimum qualifications for instructors at approved law enforcement
11 officer training schools and off-site training programs;

12 **[OPTION A:]**

13 (4) minimum qualifications for students at training programs, which
14 shall include passage of a polygraph examination or a criminal background
15 investigation, or both;

16 **[OPTION B:]**

17 (4) minimum qualifications for students at training programs, which
18 may include passage of a criminal background investigation, but which shall
19 not include the taking or passage of a polygraph examination;

Comment [BAW2]: *Note:* Council is an "agency" under VAPA's [3 V.S.A. § 801\(b\)\(1\)](#) and therefore subject to VAPA's rulemaking process set forth in [3 V.S.A. § 831\(a\)](#).

Comment [BAW3]: *Options choice:* Whether Council should be permitted to conduct polygraph examinations in order for a student to qualify for a training program.

- Option A: Polygraph examination may be required.

- Option B: Polygraph examination would be prohibited.

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

4 ~~(5) [Repealed.]~~

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

7 (7) minimum courses of training for other criminal justice personnel;

8 (8) categories or classifications of advanced in-service training
9 programs and minimum courses of study and attendance requirements with
10 respect to those categories or classifications;

11 (9) recertification of persons who have not been employed as law
12 enforcement officers for a three-year period;

13 (10) a definition of criminal justice personnel and criminal justice
14 training for purposes of this title; and

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

17 ~~(12) decertification of persons who have not complied with in-service
18 training requirements, provided that the Council, through permitting its
19 Executive Director, ~~may~~ to grant up to a 60-day waiver to a law enforcement
20 officer who has failed to meet his or her annual in-service training~~

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1 requirements but who is able to complete those training requirements within
2 ~~that 60 day period~~ the time period permitted by the Executive Director.

3 **[OPTION A:]**

4 **[no additional rulemaking requirements under this subsection (a)]**

5 **[OPTION B:]**

6 **(13)** an effective internal affairs program, as that term is defined in
7 subchapter 2 of this chapter, that applies to the Council's process for
8 conducting investigations and hearings and determining sanctions.

9 * * *

10 **[OPTION A:]**

11 **§ 2356. VERMONT POLICE ACADEMY**

12 The Vermont Police Academy within the Robert H. Wood, Jr. Criminal
13 Justice and Fire Service Training Center of Vermont is hereby designated a
14 law enforcement agency. Law enforcement officers employed by the
15 Academy shall have statewide law enforcement authority.

16 **[OPTION B:]**

17 **§ 2356. VERMONT POLICE ACADEMY LAW ENFORCEMENT**

18 **OFFICERS**

19 Law enforcement officers employed by the Vermont Police Academy
20 within the Robert H. Wood, Jr. Criminal Justice and Fire Service Training
21 Center of Vermont shall have statewide law enforcement authority.

Comment [BAW4]: Options choice: Whether Council should be required to adopt rules to establish its own effective internal affairs program that applies to its investigations, hearings, and sanctions.

- Option A: No such rulemaking requirement.

- Option B: Require this rulemaking.

Notes:

- Are all of the aspects of an effective internal affairs program applicable to the Council (ex.: determination of agency policy violation vs. Category conduct violations; civilian review process), or is intent more for rules for procedures re: investigations, hearings, and sanctions?

- Council already required to adopt rules of procedure for hearings under VAPA's [3 V.S.A. § 831\(d\)](#).

- See VAPA's [3 V.S.A. § 832\(a\)\(2\)](#), which provides general standard that rulemaking is not required to set forth staff guidelines re: investigations, prosecution, or settlements, if that disclosure would have certain impacts.

- See also the related reference to Council investigators complying with investigation rules, policies, and procedures set forth in § 2384(e). If rulemaking re: investigations is required here, language in § 2384(e) may be duplicative.

Comment [BAW5]: Options choice: Whether Vermont Police Academy should be designated a law enforcement agency.

Under either option, LEOs employed by Academy would have statewide authority.

- Option A: Designate Academy as a law enforcement agency. Note that this designation would mean the Academy would be subject to the provisions of subch. 2 (ex.: required effective internal affairs program; reporting).

- Option B: No Academy designation .

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1 * * *

2 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

3 * * *

4 (b) The Council shall offer or approve basic training and annual in-service
5 training for each of the following three levels of law enforcement officer
6 certification in accordance with the scope of practice for each level, and shall
7 determine by rule the scope of practice for each level in accordance with the
8 provisions of this section:

9 (1) Level I certification.

10 * * *

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

16 * * *

17 (2) Level II certification.

18 (A) An applicant for certification as a Level II law enforcement
19 officer shall first complete Level II basic training and may then become
20 certified in a specialized practice area as set forth in subdivision (B)(ii) of this
21 subdivision (2). Level II basic training shall include training to respond to

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1 calls regarding alleged crimes in progress and to react to the circumstances
2 described in subdivision (B)(iii) of this subdivision (2).

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

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

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

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

12 ~~(H)~~(IV) 13 V.S.A. chapter 8 (humane and proper treatment of
13 animals);

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

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

17 ~~(V)~~(VII) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023
18 (simple assault), 1025 (recklessly endangering another person), 1026
19 (disorderly conduct), 1026a (aggravated disorderly conduct), 1027 (disturbing
20 peace by use of telephone or other electronic communications), 1030 (violation
21 of an abuse prevention order, an order against stalking or sexual assault, or a

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1 protective order concerning contact with a child), 1031 (interference with
2 access to emergency services), 1042 (domestic assault), and 1062 (stalking);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 ~~(XX)~~(XXII) 18 V.S.A. §§ 4230(a), 4230c, and 4230d
2 (marijuana possession);
- 3 ~~(XXI)~~(XXIII) 18 V.S.A. § 4231(a) (cocaine possession);
4 ~~(XXII)~~(XXIV) 18 V.S.A. § 4232(a) (LSD possession);
5 ~~(XXIII)~~(XXV) 18 V.S.A. § 4233(a) (heroin possession);
6 ~~(XXIV)~~(XXVI) 18 V.S.A. § 4234(a) (depressant, stimulant, or
7 narcotic drug possession);
- 8 ~~(XXV)~~(XXVII) 18 V.S.A. § 4234a(a) (methamphetamine
9 possession);
- 10 ~~(XXVI)~~(XXVIII) 18 V.S.A. § 4235(b) (hallucinogenic drug
11 possession);
- 12 ~~(XXVII)~~(XXIX) 18 V.S.A. § 4235a(a) (ecstasy possession);
13 ~~(XXVIII)~~(XXX) 18 V.S.A. § 4476 (drug paraphernalia
14 offenses);
- 15 ~~(XXXI)~~ 20 V.S.A. § 3132 (firework prohibitions);
16 ~~(XXXII)~~(XXXII) 21 V.S.A. § 692(c)(2) (criminal violation of
17 stop-work order);
- 18 ~~(XXX)~~(XXXIII) any misdemeanor set forth in Title 23 of the
19 Vermont Statutes Annotated, except for 23 V.S.A. chapter 13, subchapter 13
20 (drunken driving), 23 V.S.A. § 3207a (snowmobiling under the influence),

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1 23 V.S.A. § 3323 (boating under the influence), or 23 V.S.A. § 3506(b)(8)
2 (operating an all-terrain vehicle under the influence);

3 ~~(XXXI)~~(XXXIV) any motor vehicle accident that includes
4 property damage and injuries, as permitted by the Council by rule;

5 ~~(XXXII)~~(XXXV) any matter within the jurisdiction of the
6 Judicial Bureau as set forth in 4 V.S.A. § 1102;

7 ~~(XXXIII)~~(XXXVI) municipal ordinance violations;

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

11 ~~(XXXV)~~(XXXVIII) any matter within the scope of practice of
12 a Level I law enforcement officer.

13 * * *

14 (d) ~~As used in this section:~~

15 (1) ~~“Law enforcement officer” means a member of the Department of~~
16 ~~Public Safety who exercises law enforcement powers, a member of the State~~
17 ~~Police, a Capitol Police officer, a municipal police officer, a constable who~~
18 ~~exercises law enforcement powers, a motor vehicle inspector, an employee of~~
19 ~~the Department of Liquor Control who exercises law enforcement powers, an~~
20 ~~investigator employed by the Secretary of State, Board of Medical Practice~~
21 ~~investigators employed by the Department of Health, Attorney General, or a~~

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1 ~~State's Attorney, a fish and game warden, a sheriff, or deputy sheriff who~~
2 ~~exercises law enforcement powers, a railroad police officer commissioned~~
3 ~~pursuant to 5 V.S.A. chapter 68, subchapter 8, or a police officer appointed to~~
4 ~~the University of Vermont's Department of Police Services.~~

5 (2) ~~"Off site training" means training provided off the premises of a law~~
6 ~~enforcement officer training school and approved by the Council under the~~
7 ~~provisions of section 2355 of this chapter.~~

8 (3) [Repealed.]

9 * * *

10 § 2359. SUPERVISING OFFICERS; CERTIFICATION REQUIREMENTS

11 (a) A law enforcement officer in a supervisory position shall not supervise
12 a law enforcement officer who is certified at a higher level than the supervising
13 officer.

14 (b)(1) An executive officer shall be Level III certified.

15 (2) The provisions of subdivision (1) of this subsection shall not apply
16 to an elected official.

17 * * *

Comment [BAW6]: *Note:* See Sec. 2(a) re: transitional provision applicable to this section.

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1 § 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES;
2 REPORTING

3 * * *

4 (b) On or before January 1, 2015, the Law Enforcement Advisory Board
5 shall establish a statewide policy on the use of and training requirements for
6 the use of electronic control devices. ~~On or before January 1, 2016~~ Prior to
7 any use of or intent to use an electronic control device, every a State, local,
8 county, and or municipal law enforcement agency and every or constable who
9 is not employed by a law enforcement agency shall adopt this policy. If a law
10 enforcement agency or officer that is was required to adopt a policy pursuant to
11 this subsection fails but failed to do so on or before January 1, 2016, that
12 agency or officer shall be deemed to have adopted, and shall follow and
13 enforce, the model policy established by the Law Enforcement Advisory
14 Board. The policy shall include the following provisions:

15 * * *

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

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1 (d) On or before June 30, 2017, every State, ~~local~~, county, and municipal
2 law enforcement agency that employs one or more certified law enforcement
3 officers shall ensure that all officers have completed the training established in
4 2004 Acts and Resolves No. 80, Sec. 13(a), and every constable who is not
5 employed by a law enforcement agency shall have completed this training.

6 * * *

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

11 (g) The Law Enforcement Advisory Board shall:

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

14 and

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

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

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

4 Subchapter 2. Unprofessional Conduct

5 § 2381. DEFINITIONS

6 As used in this subchapter:

7 (1) “Category A conduct” means:

8 (A) A felony recognized by the State of Vermont.

9 (B) A misdemeanor recognized by the State of Vermont, committed
10 while on duty.

11 (C) Any of the following misdemeanors as defined by Vermont law,
12 if committed off-duty:

13 (i) Simple assault, second offense;

14 (ii) Domestic assault;

15 (iii) False reports and statements;

16 (iv) Driving under the influence, second offense;

17 (v) Violation of any court order;

18 (vi) Stalking;

19 (vii) Cruelty to animals;

20 (viii) False pretenses;

21 (ix) Voyeurism;

Comment [BAW7]: *Note:* See Sec. 2(c) re: the application of this subchapter to alleged LEO conduct.

Pursuant to Sec. 2(c), this subchapter applies to LEO conduct alleged to have been committed on and after the effective date of this subchapter (1/1/17).

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- 1 (x) Prostitution;
- 2 (xi) Distribution of a regulated substance;
- 3 (xii) Simple assault on a law enforcement officer; or
- 4 (xiii) Possession of a regulated substance, second offense.
- 5 (D) Gross professional misconduct amounting to actions on duty or
- 6 under color of authority that involve substantial deviation from conduct,
- 7 such as:
- 8 (i) sexual harassment involving physical contact or misuse of
- 9 position;
- 10 (ii) misuse of official position for personal or economic gain;
- 11 (iii) excessive use of force under color of authority, second
- 12 offense;
- 13 (iv) mistreating persons in custody; or
- 14 (v) use of electronic criminal records database for personal,
- 15 political, or economic gain.
- 16 (2) “Category B conduct” means any of the following allegations of
- 17 misconduct that are neither Category A nor Category C conduct:
- 18 (A) abuse of authority;
- 19 (B) biased enforcement;

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1 (C) membership in organizations that advocate, promote, plan, or
2 effect criminal conduct or the overthrow of or interference with any lawfully
3 constituted government in the United States;

4 (D) political activity that would be in violation of any federal or State
5 law, rule, or regulation; or

6 (E) avoiding the responsibility of his or her law enforcement
7 position.

8 (3) “Category C conduct” means any allegation of misconduct
9 pertaining to Council processes or operations, including:

10 (A) knowingly making material false statements or reports to the
11 Council;

12 (B) falsification of Council documents;

13 (C) intentional interference with Council investigations, including
14 intimidation of witnesses or misrepresentations of material facts;

15 (D) material false statements about certification status to a law
16 enforcement agency;

17 (E) knowing employment of an individual in a position or for duties
18 for which individual lacks proper certification;

19 (F) intentional failure to file a report required by this subchapter; or

20 (G) failure to complete annual in-service training requirements.

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1 (4) “Effective internal affairs program” means that a law enforcement
2 agency:

3 (A) has language in its policies or applicable collective bargaining
4 agreement outlining for its law enforcement officers expectations of
5 employment or prohibited activity, or both;

6 (B) accepts complaints against its officers from any source;

7 (C) assigns an investigator to investigate complaints for the purpose
8 of determining whether its accused officer violated an agency rule or policy or
9 State or federal law;

10 (D) treats it accused officers fairly and provides due process rights
11 for those officers in its policies;

12 (E) decides discipline its officers upon just cause, a set range of
13 sanctions for offenses, and consideration of mitigating and aggravating
14 circumstances; and

15 (F) provides for review of this process by civilians, which may be a
16 selectboard or other elected body, at least for highly serious infractions, such
17 as felonious criminal conduct or egregious professional misconduct, regardless
18 of whether the civilian review process has a formal or final role in the
19 investigation.

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1 **S** “Investigator” means:

2 (A) a law enforcement officer of the law enforcement agency, who is
3 of a higher rank than the officer under investigation and who is trained or
4 certified in criminal investigations or internal affairs, and that training or
5 certification is recognized by the Council; or

6 (B) a retired law enforcement officer or a law enforcement officer of
7 another agency who is trained or certified in criminal investigations or internal
8 affairs, and that training or certification is recognized by the Council.

9 (6)(A) “Valid investigation” means an investigation conducted pursuant
10 to a law enforcement agency’s established or accepted procedures.

11 (B) An investigation shall not be valid if:

12 (i) the agency has not adopted an effective internal affairs
13 program;

14 (ii) the agency refuses, without any legitimate basis, to conduct an
15 investigation;

16 (iii) the agency intentionally did not report allegations to the
17 Council as required;

18 (iv) the agency attempts to cover up the misconduct or takes an
19 action intended to discourage or intimidate a complainant; or

20 (v) the agency’s executive officer is the officer accused of
21 misconduct.

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1 **§ 2382** LAW ENFORCEMENT AGENCIES; DUTY TO ADOPT AN
2 EFFECTIVE INTERNAL AFFAIRS PROGRAM

3 (a) Each law enforcement agency shall adopt an effective internal affairs
4 program in order to manage complaints regarding the agency's law
5 enforcement officers.

6 (b) The Council shall adopt a model effective internal affairs program that
7 may be used by law enforcement agencies to meet the requirements of this
8 section.

9 **§ 2383** LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

10 (a) Alleged Category A conduct. The executive officer of a law
11 enforcement agency shall report to the Council within 10 business days if any
12 of the following occur in regard to a law enforcement officer of the agency:

13 (1) The agency receives a complaint against the officer that, if deemed
14 credible by the executive officer of the agency, alleges that the officer
15 committed Category A conduct.

16 (2) The agency receives or issues any of the following:

17 (A) a report or findings of an investigation into allegations that the
18 officer committed Category A conduct; or

19 (B) any decision or findings, including findings of fact or verdict,
20 regarding allegations that the officer committed Category A conduct, including

Comment [BAW8]: Notes:

- See Sec. 2(b) re: effective dates for implementation of this section.
- Agencies required to adopt by 1/1/17
- Council required to adopt model policy by 10/1/16

- As written, will apply to constables and investigators employed by OPR and DOH/BMP.

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1 a hearing officer decision, arbitration, administrative decision, or judicial
2 decision, and any appeal therefrom.

3 (3) The agency terminates the officer for Category A conduct.

4 (b) Alleged Category B conduct. The executive officer of a law
5 enforcement agency shall report to the Council within 10 business days if any
6 of the following occur in regard to a law enforcement officer of the agency:

7 (1) The agency receives a complaint that the officer committed a second
8 offense of Category B conduct.

9 (2) The agency terminates the officer for Category B conduct.

10 (c) Officer resignation; any category conduct. The executive officer of a
11 law enforcement agency shall report to the Council within 10 business days if a
12 law enforcement officer of the agency resigns while under investigation for
13 any alleged category conduct, except for a first offense of Category B conduct.

14 (d) Agency hires.

15 (1) Prior to hiring or accepting the transfer of an individual who has
16 worked as a law enforcement officer for another law enforcement agency, the
17 executive officer of the agency considering the hiring or transfer shall verify
18 with the Council the law enforcement officer's certification with the Council.

19 **[OPTION A:]**

20 **[2]** During its certification verification review, the Council may
21 withhold verification if it determines that the officer may have left his or her

Comment [BAW9]: Options choice: Whether to allow Council to withhold LEO certification verification if Council determines LEO left former agency due to any category conduct.

- Option A: Allow Council to withhold verification.

- Option B: Do not provide for Council withholding verification.

Notes:

Option A:

Currently-certified officers is an accessible public record, correct?

If VAPA's 3V.S.A. § 814(c) applies, certification cannot be disciplined/restricted until after hearing. Under potential confidentiality § 2387(c), complaints don't become public until charged.

Therefore, withholding certification verification seems equivalent to acknowledging Council investigation. Intent? If so, clarify and revise potential confidentiality § 2387(f) to make explicit.

Option B: Considering the withholding certification verification issue, above, this option is essentially a report to Council of potential LEO hire, and Council may investigate as provided in next section.

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1 previous law enforcement agency ~~for~~ any category conduct and may continue
2 to withhold that verification for the duration of any Council investigation.

3 **[OPTION B:]**

4 **[No subdiv. (2)]**

5 (e) Ability to report other conduct. Nothing in this section shall prohibit a
6 law enforcement agency from reporting to the Council any other instances of a
7 law enforcement officer's alleged unprofessional conduct.

8 **§ 2384. COUNCIL INVESTIGATIONS**

9 (a) Generally; restriction. The Council shall accept from any source
10 complaints alleging law enforcement officer unprofessional conduct and shall
11 investigate or refer for investigation such complaints that, if deemed to be
12 credible by the Council, constitute grounds for disciplinary action, unless the
13 allegations were subject to a valid investigation.

14 (b) Restriction exceptions. Notwithstanding the provisions of
15 subsection (a) of this section, a valid investigation shall not bar a Council
16 investigation if:

17 **[OPTION A:]**

18 **(1)** the officer is alleged to have committed Category A conduct;

19 **[OPTION B:]**

20 **(1)** the officer received a final conviction for criminal charges related to
21 Category A conduct;

Comment [BAW10]: Options choice: When Council would be permitted to investigate Category A conduct.

- Option A: When an LEO is alleged to have committed Category A conduct.

- Option B: When an LEO has been finally convicted of a charge related to Category A conduct.

Note: Under Option B, more information is necessary re: ability of Council to investigate Category A conduct that is not criminally charged, such as Category A gross professional misconduct.

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1 (2) the valid investigation resulted in the officer’s termination from his
2 or her law enforcement agency;

3 (3) **except as provided in subsection (c) of this section,** the valid
4 investigation involved an alleged second offense of Category B conduct; or

5 (4) the allegation is in regard to Category C conduct.

6 **(c)** Alleged second offense of Category B conduct.

7 (1) If a law enforcement agency, administrative, or criminal
8 investigation about a law enforcement officer’s alleged second offense of
9 Category B conduct is ongoing or if the matter is subject to a de novo hearing
10 or appeal, ~~including a Loudermill hearing,~~ an arbitration hearing, or a Vermont
11 Labor Relations Board grievance or appeal, the Council shall defer its own
12 conclusions and actions until the conclusion of the investigation or hearing, or
13 until any final disposition of criminal allegations, including verdict or
14 dismissal.

15 (2) If a law enforcement agency conducts a valid investigation of its law
16 enforcement officer’s alleged second offense of Category B conduct, the
17 Council shall accept the agency’s disciplinary decision, if any, and take no
18 action, unless the Council concludes that the agency’s decision is arbitrary or
19 capricious.

Comment [BAW11]: Notes:
- It is unusual to cite caselaw in statute and this reference does not seem necessary if law enforcement agency investigations are referenced.
- Under Loudermill, prior to being deprived of a property interest, tenured public employees are entitled to notice of employer charges, an explanation of employer evidence, and an opportunity to present their side of story. Loudermill, 470 U.S. 532, 546 (1985).

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1 (d) Council investigators. In the event that the Council conducts an
2 investigation, the Council-assigned investigator shall abide by any Council
3 rules, policies, and procedures governing investigations.

4 **[OPTION A:]**

5 **§ 2385. COUNCIL DISCIPLINARY PROCEDURE**

6 (a) The Council shall conduct hearings in accordance with 3 V.S.A. §§ 809,
7 809a, 809b, and 810.

8 (b) Prior to any hearing, the State shall produce all documents associated
9 with the charges, including reports, witness statements, recordings, or
10 transcripts, to the charged law enforcement officer. These documents may be
11 subject to conditions to address confidentiality concerns.

12 (c)(1) Hearing decisions shall comply with the requirements of
13 3 V.S.A. § 812.

14 (2) Judicial review of the final decisions of the Council is available in
15 the Supreme Court of Vermont, pursuant to 3 V.S.A. § 815.

16 (d) The Council shall have discretion to decline, cease, or settle an
17 investigation, including for reasons of administrative efficiency or policy.

18 **[OPTION B:]**

19 **§ 2385. COUNCIL DISCIPLINARY PROCEDURE**

20 Except as otherwise provided in this subchapter, the Council shall conduct
21 its proceedings in accordance with the Vermont Administrative Procedure Act.

Comment [BAW12]: Options choice: Whether to require the Council's disciplinary procedure to comply with limited specified VAPA provisions, or all of those provisions.

- Option A: Limited specified VAPA provisions.

- Option B: All of VAPA provisions.

See Option B for more details.

Comment [BAW13]: Note: Under VAPA:
- § 809: contested cases; notice, hearings; records
- § 809a: subpoenas
- § 809b: subpoenas or discovery orders; modification
- § 810: rules of evidence

Comment [BAW14]: Note: VAPA's § 812 is re: decisions including findings of fact and conclusions of law

Comment [BAW15]: Notes:

- Option A does not include the following VAPA provisions:

 . § 811 re: Council's required examination of evidence before rendering final decision.

 . § 813 re: ex parte consultations.

 . § 814 re: licenses, which includes LEO certifications. This section provides due process rights (notice & opportunity for hearing) for licensees prior to suspension or revocation; summary suspension authority; and continuation of State jurisdiction post-certification lapse/surrender.

 . § 815 re: immediate appeals of preliminary/intermediate rulings, and ability to grant stays.

- Review of Option A's subsections:

 . (a): Covered by Option B's (a).

 . (b): Addressed in accessibility §2387(e).

 . (c)(1): Covered by Option B's (a).

 . (c)(2): Covered by Option B's (a). Under VAPA's 3 V.S.A. § 815(a), appeals of final decisions go to SCOV unless another court is provided.

 . (d): Settlements permitted under VAPA's 3 V.S.A. § 809(d). Other provisions of (d) do not seem to be precluded by this bill.

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1 § 2386. PERMITTED COUNCIL DISCIPLINE

2 (a) The Council may impose any of the following discipline upon its
3 finding that a law enforcement officer committed unprofessional conduct:

4 (1) Written reprimand, removed from the officer's record after three
5 years provided there is no repetition of the same or similar offense.

6 (2) Probation, which may include conditions such as training,
7 supervision, participation in counseling, or payment of restitution.

8 (3) Suspension of certification for a period not to exceed two years.

9 (4) Revocation of certification for a period not to exceed three years.

10 (5) Permanent revocation of certification.

11 **§ 2387.** ACCESSIBILITY AND CONFIDENTIALITY

12 (a) It is the purpose of this section both to protect the reputation of law
13 enforcement officers from public disclosure of unwarranted complaints against
14 them, and to fulfill the public's right to know of any action taken against a law
15 enforcement officer when that action is based on a determination of
16 unprofessional conduct.

17 (b) All meetings and hearings of the Council shall be subject to the Open
18 Meeting Law.

19 (c)(1) The Executive Director of the Council shall prepare and maintain a
20 register of all complaints, which shall be a public record and which shall show:

21 (A) with respect to any complaint, the following information:

Comment [BAW16]: *Note:* Compare to OPR's confidentiality statute set forth in [3 V.S.A. § 131](#) and BMP's confidentiality statute set forth in [26 V.S.A. § 1318](#).

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1 (i) the date and the nature of the complaint, but not including the
2 identity of the law enforcement officer; and

3 (ii) a summary of the completed investigation; and

4 (B) only with respect to a complaint resulting in filing of charges or
5 stipulations or the taking of disciplinary action and except as provided in
6 subdivision (2) of this subsection, the following additional information:

7 (i) the name and business addresses of the law enforcement officer
8 and the complainant;

9 (ii) formal charges, provided that they have been served or a
10 reasonable effort to serve them has been made;

11 (iii) the findings, conclusions, and order of the Council;

12 (iv) the transcript of the hearing, if one has been made, and
13 exhibits admitted at the hearing;

14 (v) any stipulation filed with the Council; and

15 (vi) any final disposition of the matter by the Vermont Supreme
16 Court.

17 (2) The Executive Director shall remove from the register any of the
18 information described in subdivision (1)(B) of this subsection if the final
19 disposition of the matter dismisses all charges filed against the law
20 enforcement officer in the same action. The Executive Director shall ensure
21 that the period for appealing an order has expired prior to removing any such

Comment [BAW17]: Note: Compare to BMP's 26V.S.A. § 1318(c)(1)(B).

Comment [BAW18]: Note: Compare to BMP's 26 V.S.A. § 1318(c)(2).

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1 information from the register, and shall remove that information within five
2 business days of the expiration of the appeal period.

3 (d)(1) The Council, its hearing officer, and Council staff shall keep
4 confidential any other information regarding unprofessional conduct
5 complaints, investigations, proceedings, and related records except the
6 information required or permitted to be released under this section.

7 (2) The Executive Director shall, upon request, provide information that
8 was maintained on the register under subdivision (c)(1) of this section but
9 which was later removed from the register under the provisions of subdivision
10 (c)(2) of this section.

Comment [BAW19]: Note: Compare to BMP's
26 V.S.A. § 1318(d).

11 (e) A law enforcement officer charged with unprofessional conduct shall
12 have the right to inspect and copy the investigation file that results in the
13 charges against him or her, except for any attorney work product or other
14 privileged information.

15 (f) Nothing in this section shall prohibit the disclosure of any information
16 regarding unprofessional conduct complaints pursuant to an order from a court
17 of competent jurisdiction, or to a State or federal law enforcement agency in
18 the course of its investigation, provided the agency agrees to maintain the
19 confidentiality of the information as provided in subsection (d) of this section.

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1 Sec. 2. TRANSITIONAL PROVISIONS TO IMPLEMENT THIS ACT

2 (a) Supervisor certification requirements. The law enforcement officer
3 supervisor certification requirements set forth in 20 V.S.A. § 2359 (supervising
4 officers; certification requirements) in Sec. 1 of this act shall not apply to a
5 supervising officer in his or her current position in his or her current law
6 enforcement agency in effect on the effective date of that section.

7 (b) Effective internal affairs programs.

8 (1) Law enforcement agencies. On or before January 1, 2017, each law
9 enforcement agency shall adopt an effective internal affairs program in
10 accordance with 20 V.S.A. § 2382(a) in Sec. 1 of this act.

11 (2) Vermont Criminal Justice Training Council. On or before
12 October 1, 2016, the Vermont Criminal Justice Training Council shall adopt an
13 effective internal affairs program model policy in accordance with
14 20 V.S.A. § 2382(b) in Sec. 1 of this act.

15 (c) Alleged law enforcement officer unprofessional conduct. The
16 provisions of 20 V.S.A. chapter 151, subchapter 2 (unprofessional conduct) in
17 Sec. 1 of this act shall apply to law enforcement officer conduct alleged to
18 have been committed on and after the effective date of that subchapter.

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* * * Vermont State Police * * *

Sec. 3. 20 V.S.A. § 1812 is amended to read:

§ 1812. DEFINITIONS

The following words and phrases, as As used in this title, ~~shall have the following meanings~~ unless otherwise provided:

(1) “Commissioner,” means the commissioner of public safety;
Commissioner of Public Safety.

(2) “Department,” means the department of public safety; Department of
Public Safety.

(3) “Employee,” ~~an employee~~ means a member assigned to a position
other than that of ~~state police;~~ State Police.

(4) “Member,” means any employee of the department; person
employed by the Department.

(5) “~~State police; Police~~” ~~an employee~~ means a member assigned to
police duties and law enforcement.

Sec. 4. 20 V.S.A. § 1922 is amended to read:

§ 1922. CREATION OF STATE POLICE ADVISORY COMMISSION;
MEMBERS; DUTIES

(a) There is hereby created the ~~state police advisory commission~~ State
Police Advisory Commission, which shall provide advice and counsel to the

Comment [BAW20]: Notes:

- Definitions need corrected b/c 1) “State Police” can’t be “employees” if “employee” is defined as someone other than State Police; and 2) “Member” can’t be “employee” if “employee” is defined as someone other than State Police, if “member” is supposed to include anyone employed by the Dept.

- See also the use of “member” (ie., anyone employed by Dept.) in 20 V.S.A. § 1923 (internal investigation) set forth in Sec. 4 of this draft.

Comment [BAW21]: Note: Provided for reference, stylistic V.S.A. updates, and in (f), “entitled to” appropriations language.

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1 ~~commissioner~~ Commissioner in carrying out his or her responsibilities for the
2 management, supervision, and control of the Vermont ~~state police~~ State Police.

3 (b) The ~~commission~~ Commission shall consist of seven members, at least
4 one of whom shall be an attorney and one of whom shall be a retired ~~state~~
5 ~~police~~ State Police officer, to be appointed by the ~~governor~~ Governor with the
6 advice and consent of the ~~senate~~ Senate.

7 (c) Members of the ~~commission~~ Commission shall serve for terms of four
8 years, at the pleasure of the ~~governor~~ Governor. Of the initial appointments,
9 one shall be appointed for a term of one year, two for terms of two years, two
10 for terms of three years, and two for terms of four years. Appointments to fill
11 a vacancy shall be for the unexpired portion of the term vacated. The ~~chairman~~
12 chair shall be appointed by the ~~governor~~ Governor.

13 (d) The creation and existence of the ~~commission~~ Commission shall not
14 relieve the ~~commissioner~~ Commissioner of his or her duties under the law to
15 manage, supervise, and control the ~~state police~~ State Police.

16 (e) To ensure that ~~state police~~ State Police officers are subject to fair and
17 known practices, the ~~commission~~ Commission shall advise the ~~commissioner~~
18 Commissioner with respect to and review rules concerning promotion,
19 grievances, transfers, internal investigations, and discipline.

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1 (f) Members of the Commission shall be ~~paid~~ entitled to receive per diem
2 compensation and reimbursement for expenses in accordance with ~~section~~
3 ~~1010 of Title 32 V.S.A. § 1010.~~

4 Sec. 5. 20 V.S.A. § 1923 is amended to read:

5 § 1923. INTERNAL INVESTIGATION

6 (a)(1) The ~~commission~~ State Police Advisory Commission shall advise and
7 assist the ~~commissioner~~ Commissioner in developing and making known
8 routine procedures to ensure that allegations of misconduct by ~~state police~~
9 State Police officers are investigated fully and fairly, and to ensure that
10 appropriate action is taken with respect to such allegations.

11 (2) The Commissioner shall ensure that the procedures described in
12 subdivision (1) of this section constitute an effective internal affairs program in
13 order to comply with section 2382 of this title.

14 (b)(1) The ~~commissioner~~ Commissioner shall establish an ~~office of internal~~
15 investigation Office of Internal Investigation within the ~~department~~
16 Department, which ~~office~~ shall investigate, or cause to be investigated, all
17 allegations of misconduct by members of the ~~department~~ Department, except
18 complaints lodged against members of the ~~internal investigation office~~ Office,
19 which ~~complaints~~ shall be separately and independently investigated by
20 officers designated for each instance by the ~~commissioner~~ Commissioner, with

Comment [BAW22]: Note: Is it accurate that OII is for all DPS "members" (which under 20 V.S.A. § 1812 means any person employed by the Dept.), or is it only meant for State Police? . SPAC approves officers to investigate OII "members" under (b), and has access to OII records under (d)(1).

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1 the approval of the ~~state police advisory commission~~ State Police Advisory
2 Commission.

3 (2) The head of the ~~internal affairs unit Office~~ shall report all allegations
4 and his or her findings as to such allegations to the ~~commissioner~~

Comment [BAW23]: Revision accurate?

5 Commissioner. The head of the ~~internal affairs unit Office~~ also shall

Comment [BAW24]: [same question]

6 immediately report all allegations to the ~~state's attorney~~ State's Attorney of the
7 county in which the incident took place, ~~to the attorney general~~ Attorney

8 General, and ~~to the governor~~ Governor, unless the head of the ~~unit Office~~

Comment [BAW25]: [same question]

9 makes a determination that the allegations do not include violation of a

10 criminal statute. The head of ~~the internal affairs unit Office~~ shall also report

Comment [BAW26]: [same question]

11 the disposition of all cases so reported to the ~~state's attorney~~ State's Attorney,
12 ~~attorney general~~ Attorney General, and ~~governor~~ Governor.

13 (c)(1) The ~~office of internal investigation~~ Office of Internal Investigation

14 shall maintain a written log with respect to each allegation of misconduct

15 made. The log shall document all action taken with respect to each allegation,

16 including a notation of the person or persons assigned to the investigation, a

17 list of all pertinent documents, all action taken, and the final disposition of

18 each allegation.

19 (2) Failure of any member of the ~~department~~ Department to report to the

20 ~~office of internal investigation~~ Office an allegation of misconduct known to

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1 ~~such the~~ member, shall be grounds for disciplinary action by the ~~commissioner~~
2 Commissioner, including dismissal.

3 (d) Records of the ~~office of internal investigation~~ Office of Internal
4 Investigation shall be confidential, except:

5 (1) The ~~state police advisory commission~~ State Police Advisory
6 Commission shall, at any time, have full and free access to such records; ~~and~~

7 (2) The ~~commissioner~~ Commissioner shall deliver such materials from
8 the records of the ~~office of internal investigation~~ Office as may be necessary to
9 appropriate prosecutorial authorities having jurisdiction, and shall report to the
10 Vermont Criminal Justice Training Council as required by 20 V.S.A. chapter
11 151, subchapter 2 (unprofessional conduct); and

12 (3) The ~~state police advisory commission~~ State Police Advisory
13 Commission shall, in its discretion, be entitled to report to such authorities as it
14 may deem appropriate, ~~or~~ to the public, or ~~to~~ both, to ensure that proper action
15 is taken in each case.

16 * * * Law Enforcement Advisory Board * * *

17 Sec. 6. REPEAL

18 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

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1 Sec. 7. 20 V.S.A. § 1818 is added to read:

2 § 1818. LAW ENFORCEMENT ADVISORY BOARD

3 (a) A Law Enforcement Advisory Board is created within the Department
4 of Public Safety to advise the Commissioner of Public Safety, the Governor,
5 and the General Assembly on issues involving the cooperation and
6 coordination of all agencies that exercise law enforcement responsibilities.

7 The Board shall review any matter that affects more than one law enforcement
8 agency. The Board shall comprise the following members:

9 (1) the Commissioner of Public Safety;

10 (2) the Director of the Vermont State Police;

11 (3) the Director of the Vermont Criminal Justice Services Division;

12 (4) a member of the Vermont Association of Chiefs of Police appointed
13 by the President of the Association;

14 (5) a member of the Vermont Sheriffs' Association appointed by the
15 President of the Association;

16 (6) a representative appointed by the Vermont League of Cities and
17 Towns appointed by the Executive Director;

18 (7) a member of the Vermont Police Association appointed by the
19 President of the Association;

20 (8) the Attorney General or designee;

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1 (9) a State’s Attorney appointed by the Executive Director of the
2 Department of State’s Attorneys and Sheriffs;

3 (10) the U.S. Attorney or designee;

4 (11) the Executive Director of the Vermont Criminal Justice Training
5 Council;

6 (12) the Defender General or designee;

7 (13) one representative of the Vermont Troopers’ Association or its
8 successor entity, elected by its membership;

9 (14) a member of the Vermont Constables Association appointed by the
10 President of the Association;

11 (15) the Commissioner of Fish and Wildlife or designee;

12 (16) the Commissioner of Motor Vehicles or designee; and

13 (17) the Executive Director of the Vermont Network Against Domestic
14 and Sexual Violence or designee.

15 (b) The Board shall elect a Chair and a Vice Chair, which shall rotate
16 among the various member representatives. Each member shall serve a term of
17 two years. The Board shall meet at the call of the Chair. A quorum shall
18 consist of six members, and decisions of the Board shall require the approval
19 of a majority of those members present and voting.

20 (c) The Board shall undertake an ongoing formal review process of law
21 enforcement policies and practices with a goal of developing a comprehensive

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1 approach to providing the best services to Vermonters, given monies available.
2 The Board shall also provide educational resources to Vermonters about public
3 safety challenges in the State.

4 (d) The Board shall meet no fewer than six times a year to develop policies
5 and recommendations for law enforcement priority needs, including retirement
6 benefits, recruitment of officers, training needs, homeland security issues,
7 dispatching, and comprehensive drug enforcement. The Board shall present its
8 findings and recommendations in brief summary to the House and Senate
9 Committees on Judiciary annually on or before January 15.

10 Sec. 8. RECODIFICATION

11 (a) 24 V.S.A. § 1939 is recodified as 20 V.S.A. § 1818. During statutory
12 revision, the Office of Legislative Council shall revise accordingly any
13 references to 24 V.S.A. § 1939 in the Vermont Statutes Annotated.

14 (b) Any references in session law and adopted rules to 24 V.S.A. § 1939 as
15 previously codified shall be deemed to refer to 20 V.S.A. § 1818.

16 * * * Effective Dates * * *

17 Sec. 9. EFFECTIVE DATES

18 This act shall take effect on July 1, 2016, except:

19 (1) this section and Sec. 2 (transitional provisions to implement this act)
20 shall take effect on passage; and

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1 (2) the following shall take effect on January 1, 2017:
2 (A) 20 V.S.A. chapter 151, subchapter 2 (unprofessional conduct) in
3 Sec. 1; and
4 (B) Sec. 3, 20 V.S.A. § 1812 (definitions); Sec. 4, 20 V.S.A. § 1922
5 (creation of SPAC; members; duties); and Sec. 5, 20 V.S.A. § 1923 (internal
6 investigation).

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(Committee vote: _____)

Senator _____
FOR THE COMMITTEE