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S.273

Introduced by Senators White, Ayer, and Clarkson

Referred to Committee on

Date:

Subject: Public safety; government operations; law enforcement;
miscellaneous

Statement of purpose of bill as introduced: This bill proposes to make
miscellaneous amendments regarding law enforcement in the operation of
government. The bill addresses the topics of law enforcement officer training;
officer recruitment and retention; the administration of law enforcement
services; law enforcement coverage; and 911 call-taking (PSAPs) and dispatch.

An act relating to miscellaneous law enforcement amendments

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Training * * *

Sec. 1. 20 V.S.A. § 2352 is amended to read:

§ 2352. COUNCIL MEMBERSHIP

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

- (A) the Commissioners of Public Safety, of Corrections, of Motor
Vehicles, and of Fish and Wildlife;
- (B) the Attorney General;

1 (C) a member of the Vermont Troopers' Association or its successor
2 entity, elected by its membership;

3 (D) a member of the Vermont Police Association, elected by its
4 membership;

5 (E) a member of the Chiefs of Police Association of Vermont,
6 appointed by the President of the Association;

7 (F) a member of the Vermont Sheriffs' Association, appointed by the
8 President of the Association; and

9 ~~(E)~~(G) ~~five~~ three additional members appointed by the Governor.

10 (i) The Governor's appointees shall provide broad representation
11 of all aspects of law enforcement and the public in Vermont on the Council.

12 (ii) The Governor shall solicit recommendations for appointment
13 from the Vermont State's Attorneys Association, the Vermont ~~State's Sheriffs~~
14 Sheriffs' Association, the Chiefs of Police Association of Vermont ~~Police~~
15 ~~Chiefs Association~~, and the Vermont Constables Association.

16 * * *

17 Sec. 2. 20 V.S.A. § 2355 is amended to read:

18 § 2355. COUNCIL POWERS AND DUTIES

19 * * *

20 (b)~~(1)~~(A) The Council shall conduct and administer training schools and
21 offer courses of instruction for law enforcement officers and other criminal

1 justice personnel. The Council shall offer courses of instruction for law
2 enforcement officers in different areas of the State and shall strive to offer
3 nonovernight courses whenever possible.

4 (B) The Council shall offer its training programs for law enforcement
5 officers on a first-come, first-served basis.

6 (2) The Council may also offer the basic officer's course for ~~pre-service~~
7 preservice students and educational outreach courses for the public, including
8 firearms safety and use of force.

9 * * *

10 Sec. 3. COUNCIL; REPORT ON NONOVERNIGHT TRAINING

11 On or before January 1, 2019, the Executive Director of the Vermont
12 Criminal Justice Training Council shall report to the Senate and House
13 Committees on Government Operations regarding the Council's plan to replace
14 some of its overnight law enforcement training requirements at the Robert H.
15 Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont (the
16 Police Academy) with nonovernight training in other areas of the State, in
17 accordance with 20 V.S.A. § 2355(b)(1)(A) in Sec. 2 of this act.

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

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 (2) Level II certification.

12 * * *

13 (3) Level III certification.

14 * * *

15 (c)(1) All programs required by this section shall be approved by the
16 Council.

17 (2) The Council shall structure its programs so that a Level II certified
18 officer may complete additional training in block steps in order to transition to
19 Level III certification, without such an officer needing to restart the
20 certification process.

1 (3) Completion of a program shall be established by a certificate to that
2 effect signed by the Executive Director of the Council.

3 * * *

4 * * * Recruitment and Retention * * *

5 Sec. 5. 20 V.S.A. § 2362b is added to read:

6 § 2362b. RECRUITMENT FEE

7 A law enforcement agency that hires a law enforcement officer employed
8 by another law enforcement agency within two years of that officer's initial
9 certification shall reimburse that employing agency for any costs the
10 employing agency paid for that officer's training and certification.

11 Sec. 6. STATE TREASURER; RETIREMENT DIVISION; PROPOSED
12 PLAN; LAW ENFORCEMENT OFFICERS COVERED UNDER
13 VERMONT MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM

14 (a) On or before January 1, 2019, the State Treasurer's Retirement Division
15 shall submit to the Senate and House Committees on Government Operations
16 a proposed plan to place municipal law enforcement officers covered under
17 the Municipal Employees' Retirement System of Vermont (VMERS) on a
18 new retirement plan substantially equivalent to the retirement plan that
19 covers law enforcement officers under the Vermont State Retirement System
20 (VSRS), except for the health and medical benefits available to officers under
21 the VSRS.

1 **(b) The Retirement Division's proposed plan shall include:**

2 **(1) recommendations on how to transition VMERS officers to the new**
3 **retirement plan, including any specific timing recommendations;**

4 **(2) the costs associated with the new retirement plan; and**

5 **(3) concerns, if any, regarding the new retirement plan.**

6 * * * Administration * * *

7 Sec. 7. 20 V.S.A. § 2053 is amended to read:

8 § 2053. COOPERATION WITH OTHER AGENCIES; UNIVERSAL STATE
9 SYSTEM OF CRIMINAL RECORDS

10 (a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and
11 agencies, municipal police departments, sheriffs, and other law enforcement
12 officers in this ~~state~~ State and with federal and international law enforcement
13 agencies to develop and carry on a uniform and complete ~~state~~ State, interstate,
14 national, and international system of records of criminal activities and
15 information.

16 (b) All ~~state~~ State departments and agencies, municipal police departments,
17 sheriffs, and other law enforcement officers shall ~~cooperate with and assist the~~
18 ~~center in the establishment of a complete and~~ use a uniform, universal system
19 of records approved by the Center relating to the commission of crimes,
20 arrests, convictions, imprisonment, probation, parole, fingerprints,
21 photographs, stolen property, and other matters relating to the identification

1 and records of persons who have or who are alleged to have committed a
2 crime, who are missing persons, or who are fugitives from justice.

3 Sec. 8. 20 V.S.A. chapter 113, subchapter 2 is amended to read:

4 Subchapter 2. State Police

5 § 1910. DUTIES OF THE STATE POLICE; PROHIBITION ON
6 MUNICIPAL CONTRACTS

7 (a) The duties of the State Police are:

8 (1) the detection and investigation of major crimes;

9 (2) the patrol of highways and the operation of traffic thereon; and

10 (3) special investigations.

11 (b) The State Police is prohibited from entering into contracts with
12 municipalities for the provision of law enforcement services.

13 * * *

14 Sec. 9. VERMONT STATE POLICE; PROHIBITION ON RENEWING
15 MUNICIPAL LAW ENFORCEMENT CONTRACTS

16 In accordance with 20 V.S.A. § 1910(b) set forth in Sec. 8 of this act, the
17 Vermont State Police shall be permitted to fulfill but is prohibited from
18 renewing any contract it has with a municipality for the provision of law
19 enforcement services that is in effect on the effective date of that section.

1 Sec. 10. 24 V.S.A. § 4382 is amended to read:

2 § 4382. THE PLAN FOR A MUNICIPALITY

3 (a) A plan for a municipality may be consistent with the goals established
4 in section 4302 of this title and compatible with approved plans of other
5 municipalities in the region and with the regional plan and shall include the
6 following:

7 * * *

8 (13) A public safety plan, including an analysis of the police, fire, and
9 emergency medical service resources, needs, scarcities, costs, and problems
10 within the municipality.

11 * * *

12 Sec. 11. APPLICABILITY TO MUNICIPAL PLANS

13 Sec. 10 of this act, amending 24 V.S.A. § 4382 (the plan for a
14 municipality), shall apply to municipal plans adopted or amended on or after
15 January 1, 2019.

16 * * * Coverage * * *

17 Sec. 12. 20 V.S.A. § 2055 is amended to read:

18 § 2055. FILES

19 (a) The ~~director~~ Director of the Vermont ~~crime information center~~ Crime
20 Information Center shall:

1 (1) disseminate on a quarterly basis to the legislative body of each town
2 in the State without a police department a report describing the nature of
3 crimes alleged to have been committed in that town in the preceding quarter,
4 without providing any personally identifying information; and

5 (2) maintain and disseminate such files as are necessary relating to the
6 commission of crimes, arrests, convictions, disposition of criminal causes,
7 probation, parole, fugitives from justice, missing persons, fingerprints,
8 photographs, stolen property, and such matters as the ~~commissioner~~
9 Commissioner deems relevant.

10 (b) The ~~director~~ Director shall maintain criminal records pursuant to this
11 chapter regardless of whether the record is fingerprint supported. Any “no
12 print, no record” rule or policy of the ~~center~~ Center shall be void.

13 Sec. 13. LEAB; REPEAL FOR RECODIFICATION

14 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

15 Sec. 14. 20 V.S.A. § 1818 is added to read:

16 § 1818. LAW ENFORCEMENT ADVISORY BOARD

17 (a) The Law Enforcement Advisory Board is created within the Department
18 of Public Safety to advise the Commissioner of Public Safety, the Governor,
19 and the General Assembly on issues involving the cooperation and
20 coordination of all agencies that exercise law enforcement responsibilities.

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

3 (1) the Commissioner of Public Safety;

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

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

6 (4) a member of the Chiefs of Police Association of Vermont appointed
7 by the President of the Association;

8 (5) a member of the Vermont Sheriffs' Association appointed by the
9 President of the Association;

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

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

14 (8) the Attorney General or designee;

15 (9) a State's Attorney appointed by the Executive Director of the
16 Department of State's Attorneys and Sheriffs;

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

18 (11) the Executive Director of the Vermont Criminal Justice Training
19 Council;

20 (12) the Defender General or designee;

1 (13) one representative of the Vermont Troopers' Association or its
2 successor entity, elected by its membership; and

3 (14) a member of the Vermont Constables Association appointed by the
4 President of the Association.

5 (b) The Board shall elect a chair and a vice chair, which positions shall
6 rotate among the various member representatives. Each member shall serve a
7 term of two years. The Board shall meet at the call of the Chair. A quorum
8 shall consist of eight members, and decisions of the Board shall require the
9 approval of a majority of those members present and voting.

10 (c) The Board shall undertake an ongoing formal review process of law
11 enforcement policies and practices with a goal of developing a comprehensive
12 approach to providing the best services to Vermonters, given monies available.
13 The Board shall also provide educational resources to Vermonters about public
14 safety challenges in the State.

15 (d)(1) The Board shall meet not fewer than six times a year to develop
16 policies and recommendations for law enforcement priority needs, including
17 retirement benefits, recruitment of officers, training, homeland security issues,
18 dispatching, and comprehensive drug enforcement.

19 (2) The Board shall present its findings and recommendations in brief
20 summary form to the House and Senate Committees on Judiciary and on
21 Government Operations annually on or before January 15.

1 Sec. 15. LEAB; RECODIFICATION DIRECTIVE

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

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

7 Sec. 16. LEAB; 2019 REPORT ON MUNICIPAL ACCESS TO LAW
8 ENFORCEMENT SERVICES

9 As part of its annual report in the year 2019, the Law Enforcement
10 Advisory Board shall specifically recommend ways that towns can increase
11 access to law enforcement services.

12 * * * 911 Call-Taking (PSAPs) and Dispatch * * *

13 Sec. 17. DEPARTMENT OF PUBLIC SAFETY; PSAPS; PLAN FOR
14 TRANSFER OF AUTHORITY

15 (a) Repeal. 2016 Acts and Resolves No. 118, Sec. 3 (Department of Public
16 Safety; 911 call-taking), which requires the Department of Public Safety to
17 continue to provide 911 call-taking services unless otherwise directed by
18 legislative enactment, is repealed on July 1, 2020, and the Department shall be
19 prohibited from providing 911 call-taking services on that date.

1 (b) Plan for transfer of authority.

2 (1) In accordance with subsection (a) of this section, the Department
3 shall consult with the Enhanced 911 Board and with any interested municipal
4 and county law enforcement entities in the State in order to propose a plan to
5 transfer the Department's existing 911 call-taking services to such an
6 interested law enforcement entity.

7 (2) On or before January 1, 2019, the Department shall submit its
8 proposed plan to:

9 (A) the Senate Committees on Finance, on Government Operations,
10 on Appropriations, and on Economic Development, Housing and General
11 Affairs;

12 (B) the House Committees on Commerce and Economic
13 Development, on Government Operations, on Appropriations, and on Ways
14 and Means; and

15 (C) the Governor.

16 Sec. 18. AGENCY OF COMMERCE AND COMMUNITY

17 DEVELOPMENT; REGIONAL PLANNING COMMISSIONS;

18 PUBLIC SAFETY PLANNING GRANTS

19 (a) Appropriation. The sum of \$1.00 is appropriated to the Agency of
20 Commerce and Community Development in fiscal year 2019 for the public
21 safety planning grants to regional planning commissions described in

1 subsection (b) of this section. The Agency shall award the grants in
2 accordance with its procedure established under the Vermont Community
3 Development Act.

4 (b) Public safety planning grants.

5 (1) A regional planning commission may apply to the Agency for a
6 public safety planning grant for the purpose of planning the integration,
7 consolidation, or regionalization of public safety functions within the
8 commission's jurisdiction. A grant shall be for a maximum of three years and
9 shall not exceed \$1.00.

10 (2) As used in this section:

11 (A)(i) "Planning" means hiring personnel or contracting for services
12 to determine the feasibility of or to establish the procedure to implement, or
13 both, the integration, consolidation, or regionalization of public safety
14 functions.

15 (ii) "Planning" does not mean implementing such integration,
16 consolidation, or regionalization.

17 (B) "Public safety functions" means fire, police, emergency medical
18 services, and dispatching services.

1 * * * Effective Dates * * *

2 Sec. 19. EFFECTIVE DATES

3 This act shall take effect on July 1, 2018, except the following sections shall
4 take effect on July 1, 2019:

5 (1) Sec. 2, amending 20 V.S.A. § 2355 (Council powers and duties);

6 (2) Sec. 4, amending 20 V.S.A. § 2358 (minimum training standards;
7 definitions);

8 (3) Sec. 5, adding 20 V.S.A. § 2362b (recruitment fee);

9 (4) Sec. 7, amending 20 V.S.A. § 2053 (cooperation with other
10 agencies; universal State system of criminal records); and

11 (5) Sec. 8, adding 20 V.S.A. § 1910 (duties of the State Police;
12 prohibition on municipal contracts).