

1 S.273

2 Introduced by Senators White, Ayer, and Clarkson

3 Referred to Committee on Government Operations

4 Date: January 3, 2018

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

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

12 An act relating to miscellaneous law enforcement amendments

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

14 ~~*** Training ***~~

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

16 § 2352. COUNCIL MEMBERSHIP

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

18 (A) the Commissioners of Public Safety, of Corrections, of Motor
19 ~~Vehicles, and of Fish and Wildlife,~~

1 ~~(B) the Attorney General;~~

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

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

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

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

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

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

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

17 * * *

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

19 § 2355. COUNCIL POWERS AND DUTIES

20 * * *

21 ~~(b)(1)(A) The Council shall conduct and administer training schools and~~

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

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

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

10 * * *

11 Sec. 3. COUNCIL; REPORT ON NONOVERNIGHT TRAINING

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

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

20 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

21 * * *

22 ~~(b) The Council shall offer or approve basic training and annual in-service~~

1 ~~training for each of the following three levels of law enforcement officer~~
2 certification in accordance with the scope of practice for each level, and shall
3 determine by rule the scope of practice for each level in accordance with the
4 provisions of this section:

5 (1) Level I certification.

6 * * *

7 (2) Level II certification.

8 * * *

9 (3) Level III certification.

10 * * *

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

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

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

19 * * *

20 * * * Recruitment and Retention * * *

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

1 § 2362b. RECRUITMENT FEE

2 A law enforcement agency that hires a law enforcement officer employed
3 by another law enforcement agency within two years of that officer's initial
4 certification shall reimburse that employing agency for any costs the
5 employing agency paid for that officer's training and certification.

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

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

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

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

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

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

*** Administration ***

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

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

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

(b) All ~~state~~ State departments and agencies, municipal police departments, sheriffs, and other law enforcement officers shall ~~cooperate with and assist the center in the establishment of a complete and use a~~ use a uniform, universal system of records approved by the Center relating to the commission of crimes, arrests, convictions, imprisonment, probation, parole, fingerprints, photographs, stolen property, and other matters relating to the identification and records of persons who have or who are alleged to have committed a crime, who are missing persons, or who are fugitives from justice.

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

Subchapter 2. State Police

§ 1910. DUTIES OF THE STATE POLICE; PROHIBITION ON

MUNICIPAL CONTRACTS

(a) The duties of the State Police are:

(1) the detection and investigation of major crimes;

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

(3) special investigations.

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

* * *

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

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

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

§ 4382. THE PLAN FOR A MUNICIPALITY

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

1 ~~(13) A public safety plan, including an analysis of the police, fire, and~~
2 ~~emergency medical service resources, needs, scarcities, costs, and problems~~
3 ~~within the municipality.~~

4 * * *

5 Sec. 11. APPLICABILITY TO MUNICIPAL PLANS

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

9 * * * Coverage * * *

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

11 § 2055. FILES

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

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

18 (2) maintain and disseminate such files as are necessary relating to the
19 commission of crimes, arrests, convictions, disposition of criminal causes,
20 probation, parole, fugitives from justice, missing persons, fingerprints,
21 photographs, stolen property, and such matters as the ~~commissioner~~

22 Commissioner ~~deems relevant.~~

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

4 Sec. 13. LEAB; REPEAL FOR RECODIFICATION

5 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

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

7 § 1818. LAW ENFORCEMENT ADVISORY BOARD

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

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

14 (1) the Commissioner of Public Safety;

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

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

17 (4) a member of the Chiefs of Police Association of Vermont appointed
18 by the President of the Association;

19 (5) a member of the Vermont Sheriffs’ Association appointed by the
20 President of the Association;

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

1 ~~(7) a member of the Vermont Police Association appointed by the~~
2 President of the Association;
3 ~~(8) the Attorney General or designee;~~
4 ~~(9) a State's Attorney appointed by the Executive Director of the~~
5 Department of State's Attorneys and Sheriffs;
6 ~~(10) the U.S. Attorney or designee;~~
7 ~~(11) the Executive Director of the Vermont Criminal Justice Training~~
8 Council;
9 ~~(12) the Defender General or designee;~~
10 ~~(13) one representative of the Vermont Troopers' Association or its~~
11 successor entity, elected by its membership; and
12 ~~(14) a member of the Vermont Constables Association appointed by the~~
13 President of the Association.
14 (b) The Board shall elect a chair and a vice chair, which positions shall
15 rotate among the various member representatives. Each member shall serve a
16 term of two years. The Board shall meet at the call of the Chair. A quorum
17 shall consist of eight members, and decisions of the Board shall require the
18 approval of a majority of those members present and voting.
19 (c) The Board shall undertake an ongoing formal review process of law
20 enforcement policies and practices with a goal of developing a comprehensive
21 approach to providing the best services to Vermonters, given monies available.

1 ~~The Board shall also provide educational resources to Vermonters about public~~
2 ~~safety challenges in the State.~~

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

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

10 Sec. 15. LEAB; RECODIFICATION DIRECTIVE

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 Sec. 16. LEAB; 2019 REPORT ON MUNICIPAL ACCESS TO LAW

17 ENFORCEMENT SERVICES

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

21 ~~911 Call-Taking (TSATs) and Dispatch~~

1 ~~Sec. 17. DEPARTMENT OF PUBLIC SAFETY; PSAPS; PLAN FOR~~

2 TRANSFER OF AUTHORITY

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

8 (b) Plan for transfer of authority.

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

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

16 (A) the Senate Committees on Finance, on Government Operations,
17 on Appropriations, and on Economic Development, Housing and General
18 Affairs;

19 (B) the House Committees on Commerce and Economic
20 Development, on Government Operations, on Appropriations, and on Ways
21 and Means, and

1 ~~(C) the Governor~~

2 Sec. 18. AGENCY OF COMMERCE AND COMMUNITY

3 DEVELOPMENT; REGIONAL PLANNING COMMISSIONS;
4 PUBLIC SAFETY PLANNING GRANTS

5 (a) Appropriation. The sum of \$1.00 is appropriated to the Agency of
6 Commerce and Community Development in fiscal year 2019 for the public
7 safety planning grants to regional planning commissions described in
8 subsection (b) of this section. The Agency shall award the grants in
9 accordance with its procedure established under the Vermont Community
10 Development Act.

11 (b) Public safety planning grants.

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

17 (2) As used in this section:

18 (A)(i) "Planning" means hiring personnel or contracting for services
19 to determine the feasibility of or to establish the procedure to implement, or
20 both, the integration, consolidation, or regionalization of public safety
21 functions.

1 ~~(ii) "Planning" does not mean implementing such integration~~
2 ~~consolidation, or regionalization.~~

3 ~~(B) "Public safety functions" means fire, police, emergency medical~~
4 ~~services, and dispatching services.~~

5 * * * Effective Dates * * *

6 Sec. 19. EFFECTIVE DATES

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

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

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

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

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

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

~~* * * 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, and of Mental Health;~~

~~(B) the Attorney General,~~

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

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

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

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

~~(ii) The Governor shall solicit recommendations for appointment from the Vermont State's Attorneys Association, the Vermont State's Sheriffs Association, the Vermont Police Chiefs Association, and the Vermont Constables Association, a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;~~

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

~~(G) a law enforcement officer appointed by the President of the Vermont State Employees Association;~~

~~(H) an employee of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;~~

~~(I) an employee of the Vermont Center for Crime Victim Services, appointed by the Executive Director of the Center; and~~

~~(J) three public members who shall not be law enforcement officers, current legislators, or otherwise be employed in the criminal justice system, one of whom shall be appointed by the Speaker of the House, one of whom shall be appointed by the Senate Committee on Committees, and one of whom shall be appointed by the Governor.~~

~~***~~

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

~~§ 2355. COUNCIL POWERS AND DUTIES~~

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

~~(1) the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs, which shall include rules to identify and implement alternate routes to certification aside from the training provided at the Vermont Police Academy;~~

~~***~~

~~(b)(1)(A) The Council shall conduct and administer training schools and~~

~~offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council shall offer courses of instruction for law enforcement officers in multiple regions of the State and shall strive to replace overnight courses with these regional trainings whenever possible.~~

~~(B) The Council shall offer its training programs for law enforcement officers on a first-come, first-served basis and only for named individuals.~~

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

~~***~~

~~Sec. 3. COUNCIL; REPORT ON TRAINING ALTERNATIVES~~

~~On or before January 15, 2019, the Executive Director of the Vermont Criminal Justice Training Council shall report to the Senate and House Committees on Government Operations regarding the Council's identification and implementation of alternate routes to certification and its plan to replace some of its overnight law enforcement training requirements at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont (Police Academy) with training in multiple regions of the State, in accordance with 20 V.S.A. § 2355 in Sec. 2 of this act. The report may be in verbal form.~~

~~Sec. 4. 20 V.S.A. § 2361 is amended to read:~~

~~§ 2361. ADDITIONAL TRAINING~~

~~(a) Nothing in this chapter prohibits any State law enforcement agency, department, or office or any municipality or county of the State from providing additional training beyond basic training to its personnel where no certification is requested of or required by the Council or its Executive Director.~~

~~(b) The head of a State agency, department, or office, a municipality's chief of police, or a sheriff executive officer of a law enforcement agency may seek certification from the Council for any in-service training he or she may provide to his or her employees law enforcement officers of his or her agency, or of another agency, or both.~~

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

~~§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS~~

~~***~~

~~(b) The Council shall offer or approve basic training and annual in-service training for each of the following three levels of law enforcement officer~~

~~certification in accordance with the scope of practice for each level, and shall determine by rule the scope of practice for each level in accordance with the provisions of this section:~~

~~(1) Level I certification.~~

~~* * *~~

~~(2) Level II certification.~~

~~* * *~~

~~(3) Level III certification.~~

~~* * *~~

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

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

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

~~* *~~

~~* * * Administration * * *~~

~~Sec. 6. 20 V.S.A. § 2053 is amended to read:~~

~~§ 2053. COOPERATION WITH OTHER AGENCIES~~

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

~~(b)(1) All state State departments and agencies, municipal police departments, sheriffs, and other law enforcement officers shall cooperate with and assist the center Center in the establishment of a complete and uniform system of records relating to the commission of crimes, arrests, convictions, imprisonment, probation, parole, fingerprints, photographs, stolen property, and other matters relating to the identification and records of persons who have or who are alleged to have committed a crime, or who are missing persons, or who are fugitives from justice.~~

~~(2) In order to meet the requirements of subdivision (1) of this subsection, the Center shall establish and provide training on a uniform list of definitions to be used in entering data into a law enforcement agency's system of records, and every law enforcement officer shall use those definitions when entering data into his or her agency's system.~~

~~*** Coverage ***~~

~~Sec. 7. 20 V.S.A. chapter 113, subchapter 2 is amended to read:~~

~~Subchapter 2. State Police~~

~~***~~

~~§ 1916. STATE POLICE BARRACKS; DUTY TO PROVIDE CALL INFORMATION~~

~~On a quarterly basis, each State Police barracks shall submit to the selectboard of each town within the barracks' jurisdiction a report describing the nature of calls to the State Police from residents in that town in the preceding quarter, without providing any personally identifying information.~~

~~Sec. 7a. DEPARTMENT OF PUBLIC SAFETY; REPORT ON TOWN CALLS TO THE VERMONT STATE POLICE~~

~~(a) The Department of Public Safety shall determine the number of calls from towns the Vermont State Police received in fiscal year 2018 and, in consultation with the Vermont League of Cities and Towns as necessary, determine the number of those calls that came from each town without a police department.~~

~~(b) On or before November 15, 2018, the Commissioner of Public Safety shall report to the Senate Committees on Judiciary and on Government Operations and the House Committees on Judiciary and on Government Operations regarding the Department's findings as set forth in subsection (a) of this section.~~

~~Sec. 8. LEAB; REPEAL FOR RECODIFICATION~~

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

~~Sec. 9. 20 V.S.A. § 1818 is added to read:~~

~~§ 1818. LAW ENFORCEMENT ADVISORY BOARD~~

~~(a) The Law Enforcement Advisory Board is created within the Department of Public Safety to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies that exercise law enforcement responsibilities. The Board shall review any matter that affects more than one law enforcement~~

~~agency. The Board shall comprise the following members:~~

- ~~(1) the Commissioner of Public Safety or designee;~~
- ~~(2) a member of the Chiefs of Police Association of Vermont appointed by the President of the Association;~~
- ~~(3) a member of the Vermont Sheriffs' Association appointed by the President of the Association;~~
- ~~(4) a representative of the Vermont League of Cities and Towns appointed by the Executive Director of the League;~~
- ~~(5) a member of the Vermont Police Association appointed by the President of the Association;~~
- ~~(6) the Attorney General or designee;~~
- ~~(7) a State's Attorney appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;~~
- ~~(8) the U.S. Attorney or designee;~~
- ~~(9) the Executive Director of the Vermont Criminal Justice Training Council;~~
- ~~(10) the Defender General or designee;~~
- ~~(11) a representative of the Vermont Troopers' Association or its successor entity, elected by its membership;~~
- ~~(12) a member of the Vermont Constables Association appointed by the President of the Association; and~~
- ~~(13) a law enforcement officer appointed by the President of the Vermont State Employees Association.~~

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

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

~~(d)(1) The Board shall meet at its discretion to develop policies and~~

~~recommendations for law enforcement priority needs, including retirement benefits, recruitment of officers, training, homeland security issues, dispatching, and comprehensive drug enforcement.~~

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

~~Sec. 10. LEAB; RECODIFICATION DIRECTIVE~~

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

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

~~Sec. 11. LEAB; 2019 REPORT ON MUNICIPAL ACCESS TO LAW ENFORCEMENT SERVICES~~

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

~~*** Dispatch ***~~

~~Sec. 12. DEPARTMENT OF PUBLIC SAFETY AND THE VERMONT ENHANCED 911 BOARD; PROPOSAL FOR AN EQUITABLE STATEWIDE PUBLIC SAFETY DISPATCH SYSTEM~~

~~(a)(1) The Department of Public Safety and the Vermont Enhanced 911 Board shall consult with the Vermont League of Cities and Towns as an equal partner in order to propose a plan that would result in a comprehensive, efficient, and equitably funded public safety dispatch system to dispatch law enforcement, fire, and emergency medical services statewide. In proposing the plan, consideration shall be given to existing and planned regional dispatch centers.~~

~~(2) Included in the proposed plan shall be recommendations regarding:~~

~~(A) the manner in which different dispatch services should communicate among each other;~~

~~(B) whether there should be different dispatching services used among State agencies and departments;~~

~~(C) the role of regional dispatch centers;~~

~~(D) the funding source or sources for the proposed plan; and~~

~~(E) the timeframe for implementing the proposed plan.~~

~~(b) On or before November 1, 2019, the Department and the Board shall jointly submit the proposed plan to:~~

~~(1) the Senate Committees on Finance, on Government Operations, on Appropriations, and on Economic Development, Housing and General Affairs;~~

~~(2) the House Committees on Commerce and Economic Development, on Government Operations, on Appropriations, and on Ways and Means; and~~

~~(3) the Governor.~~

~~*** Effective Dates and Implementation ***~~

~~Sec. 13. EFFECTIVE DATES; IMPLEMENTATION~~

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

~~(1) Sec. 2, amending 20 V.S.A. § 2355 (Council powers and duties), except that the requirement to adopt rules set forth in subdivision (a)(1) of that section shall take effect on July 1, 2018 so that those rules are adopted on or before July 1, 2019;~~

~~(2) Sec. 5, amending 20 V.S.A. § 2358 (minimum training standards; definitions); and~~

~~(3) Sec. 6, amending 20 V.S.A. § 2053 (cooperation with other agencies).~~

~~*** Training ***~~

~~Sec. 1. 20 V.S.A. § 2351 is amended to read:~~

~~§ 2351. CREATION AND PURPOSE OF COUNCIL~~

~~***~~

~~(b) The Council is created to encourage and assist municipalities, counties, and governmental agencies of this State in their efforts to improve the quality of law enforcement and citizen protection by maintaining a uniform standard of recruitment recruit and in-service training for law enforcement officers.~~

~~***~~

~~Sec. 2. 20 V.S.A. § 2351a is amended to read:~~

~~§ 2351a. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) “Executive officer” means the highest-ranking law enforcement officer of a law enforcement agency.~~

(2) “Law enforcement agency” means the employer of a law enforcement officer.

(3) “Law enforcement officer” means an employee of the Vermont Police Academy as permitted under section 2356 of this chapter; a member of the Department of Public Safety who exercises law enforcement powers; a member of the State Police; a Capitol Police officer; a municipal police officer; a constable who exercises law enforcement powers; a motor vehicle inspector; an employee of the Department of Liquor Control who exercises law enforcement powers; an investigator employed by the Secretary of State; a Board of Medical Practice investigator employed by the Department of Health; an investigator employed by the Attorney General or a State’s Attorney; a fish and game warden; a sheriff; a deputy sheriff who exercises law enforcement powers; a railroad police officer commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8; or a police officer appointed to the University of Vermont’s Department of Police Services.

* * *

Sec. 3. 20 V.S.A. § 2356 is added to read:

§ 2356. VERMONT POLICE ACADEMY; LAW ENFORCEMENT OFFICERS

(a) A person employed by the Vermont Police Academy who is certified as a law enforcement officer under this chapter and who maintains that certification shall be a law enforcement officer with statewide law enforcement authority.

(b) The ability of a person to be a certified law enforcement officer solely through his or her employment at the Vermont Police Academy pursuant to subsection (a) of this section shall not qualify that person for Group C membership in the Vermont State Retirement System.

Sec. 4. 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, and of Mental Health;

(B) the Attorney General;

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

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

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

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

~~(ii) The Governor shall solicit recommendations for appointment from the Vermont State's Attorneys Association, the Vermont State's Sheriffs Association, the Vermont Police Chiefs Association, and the Vermont Constables Association a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;~~

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

~~(G) a law enforcement officer appointed by the President of the Vermont State Employees Association;~~

~~(H) an employee of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;~~

~~(I) an employee of the Vermont Center for Crime Victim Services, appointed by the Executive Director of the Center; and~~

~~(J) three public members who shall not be law enforcement officers or current legislators or otherwise be employed in the criminal justice system, one of whom shall be appointed by the Speaker of the House, one of whom shall be appointed by the Senate Committee on Committees, and one of whom shall be appointed by the Governor.~~

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

~~***~~

~~(c) The public members of the Council set forth in subdivision (a)(1)(J) of this section shall be entitled to receive no per diem compensation for their services, but the other members of the Council shall not be entitled to such compensation; provided, however, that all members of the Council shall be allowed their actual and necessary entitled to receive reimbursement of expenses incurred in the performance of their duties. Per diem compensation and reimbursement of expenses under this subsection shall be made as permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.~~

~~***~~

Sec. 4a. TRANSITIONAL PROVISION TO ADDRESS NEW COUNCIL MEMBERSHIP

Any existing member of the Vermont Criminal Justice Training Council who will serve on the Council under its new membership as set forth in Sec. 4 of this act may serve the remainder of his or her term in effect immediately prior to the effective date of Sec. 4.

Sec. 5. 20 V.S.A. § 2355 is amended to read:

§ 2355. COUNCIL POWERS AND DUTIES

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

(1) the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs, which shall include rules to identify and implement alternate routes to certification aside from the training provided at the Vermont Police Academy;

* * *

(b)(1) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council shall offer courses of instruction for law enforcement officers in multiple regions of the State and shall strive to replace overnight courses with these regional trainings whenever possible.

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

* * *

Sec. 6. COUNCIL; REPORT ON TRAINING ALTERNATIVES

On or before January 15, 2019, the Executive Director of the Vermont Criminal Justice Training Council shall report to the Senate and House Committees on Government Operations regarding the Council's identification and implementation of alternate routes to certification and its plan to replace some of its overnight law enforcement training requirements at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont (Police Academy) with training in multiple regions of the State, in accordance with 20 V.S.A. § 2355 in Sec. 5 of this act. The report shall specifically address any budgetary implications of the provisions of Sec. 5.

*Sec. 7. COUNCIL; TRAINING PROGRAMS; TRANSITION FROM
LEVEL II TO LEVEL III CERTIFICATION*

The Vermont Criminal Justice Training Council shall have a plan, including an implementation schedule, to structure its training programs so that a law enforcement officer with Level II certification may transition to Level III certification without such an officer needing to restart the certification process.

Sec. 8. 20 V.S.A. § 2361 is amended to read:

§ 2361. ADDITIONAL TRAINING

(a) Nothing in this chapter prohibits any State law enforcement agency, department, or office or any municipality or county of the State from providing additional training beyond basic training to its personnel where no certification is requested of or required by the Council or its Executive Director.

(b) The head of a State agency, department, or office, a municipality's chief of police, or a sheriff executive officer of a law enforcement agency may seek certification from the Council for any in-service training he or she, or his or her designee may provide to his or her employees law enforcement officers of his or her agency or of another agency, or both.

** * * Coverage * * **

*Sec. 8a. DEPARTMENT OF PUBLIC SAFETY; REPORT ON TOWN
CALLS TO THE VERMONT STATE POLICE*

(a) The Department of Public Safety shall determine the number of calls from towns the Vermont State Police received in fiscal year 2018 and, in consultation with the Vermont League of Cities and Towns as necessary, determine the number of those calls that came from each town without a police department.

(b) On or before November 15, 2018, the Commissioner of Public Safety shall report to the Senate and House Committees on Judiciary and on Government Operations regarding the Department's findings as set forth in subsection (a) of this section.

** * * Vermont State Retirement System; Group C Membership * * **

*Sec. 9. LAW ENFORCEMENT STATE RETIREMENT BENEFITS
STUDY COMMITTEE; REPORT*

(a) Creation. There is created the Law Enforcement State Retirement Benefits Study Committee to evaluate the requirements for membership in Group C of the Vermont State Retirement System (System) and to make recommendations to the General Assembly on any proposed changes to those requirements.

(b) Membership.

(1) The Committee shall be composed of the following 10 members:

(A) a current member of the House Committee on Appropriations, appointed by the Speaker;

(B) a current member of the Senate Committee on Appropriations, appointed by the Committee on Committees;

(C) a current member of the House Committee on Government Operations, appointed by the Speaker;

(D) a current member of the Senate Committee on Government Operations, appointed by the Committee on Committees;

(E) the State Treasurer or designee;

(F) the Secretary of Administration or designee;

(G) the Commissioner of Human Resources or designee;

(H) the Commissioner of Public Safety or designee;

(I) the President of the Vermont State Employees' Association or designee; and

(J) the Executive Director of the Vermont Troopers' Association or designee.

(2) Any vacancy in membership shall be filled by the appointing authority for the remainder of the term.

(c) Powers and duties.

(1) Group C analysis. The Committee shall review the requirements for membership in Group C of the System as set forth in 3 V.S.A. § 455(a)(9)(B) and (11)(C) and shall review all current employee positions classified as Group C in order to perform the following analyses:

(A) whether the requirements for membership in Group C are appropriately tailored to provide the appropriate retirement benefit to the appropriate group of employees; and

(B) whether applicable federal requirements, including the provisions of the Age Discrimination in Employment Act, merit changes to the requirements of Group C.

(2) Retirement benefit recommendations. In accordance with its findings made pursuant to subdivision (1) of this subsection, the Committee shall make the following recommendations:

(A) whether any State employee positions currently in Group C should be reclassified to another group within the System, given the nature of the job duties performed by members in those positions;

(B) whether any State employee positions not currently in Group C should be reclassified into Group C, given the nature of the job duties performed by members in those positions; and

(C) whether the General Assembly should consider any revisions or enhancements to the retirement benefits for certain State employee positions that do not qualify for the current or recommended Group C requirements, if the Committee finds that the nature of the position and job duties performed merits such revisions.

(3) Legal and IRS compliance consulting; appropriation. The amount of \$5,000.00 is appropriated to the Office of Treasurer for the purpose of contracting with a legal and Internal Revenue Service compliance consultant in order to assist the Committee with its powers and duties set forth in subdivisions (1) and (2) of this subsection.

(d) Assistance.

(1) The Committee shall have the administrative, technical, legal, and fiscal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(2) The Offices of the State Treasurer and of the Attorney General, the Agency of Administration, the Department of Finance and Management, the Department of Human Resources, and the Agency of Digital Services shall provide support to the Committee as applicable.

(e) Meetings.

(1) The Office of Legislative Council shall call the first meeting of the Committee to occur as soon as practicable in fiscal year 2019.

(2) The Committee shall select co-chairs from among its membership, one of whom shall be a member of the House and one of whom shall be a member of the Senate, serving in their capacity as legislators.

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

(4) The Committee shall cease to exist on June 30, 2019.

(f) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement

of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings. These payments shall be made from monies appropriated to the Agency of Administration.

(g) Reports. On or before January 15, 2019, the Committee shall report its findings and recommendations to the House and Senate Committees on Government Operations and on Appropriations.

** * * Law Enforcement Advisory Board * * **

Sec. 10. LEAB; REPEAL FOR RECODIFICATION

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

Sec. 11. 20 V.S.A. § 1818 is added to read:

§ 1818. LAW ENFORCEMENT ADVISORY BOARD

(a) The Law Enforcement Advisory Board is created within the Department of Public Safety to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies that exercise law enforcement responsibilities. The Board shall review any matter that affects more than one law enforcement agency. The Board shall comprise the following members:

(1) the Commissioner of Public Safety or designee;

(2) a member of the Chiefs of Police Association of Vermont appointed by the President of the Association;

(3) a member of the Vermont Sheriffs' Association appointed by the President of the Association;

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

(5) a member of the Vermont Police Association appointed by the President of the Association;

(6) the Attorney General or designee;

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

(8) the U.S. Attorney or designee;

(9) the Executive Director of the Vermont Criminal Justice Training Council;

(10) the Executive Director of the Vermont Troopers' Association or designee;

(11) a member of the Vermont Constables Association appointed by the President of the Association; and

(12) a law enforcement officer appointed by the President of the Vermont State Employees' Association.

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

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

(d)(1) The Board shall meet at its discretion to develop policies and recommendations for law enforcement priority needs, including retirement benefits, recruitment of officers, training, homeland security issues, dispatching, and comprehensive drug enforcement.

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

Sec. 12. LEAB; RECODIFICATION DIRECTIVE

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

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

Sec. 13. LEAB; 2019 REPORT ON MUNICIPAL ACCESS TO LAW ENFORCEMENT SERVICES AND ON AGENCY DATA STANDARDS FOR RECORD SYSTEMS

As part of its annual report in the year 2019, the Law Enforcement Advisory Board shall:

(1) specifically recommend ways that towns can increase access to law enforcement services; and

(2) consult with the Vermont Crime Information Center, the Crime Research Group, and other interested stakeholders regarding the manner in which law enforcement agencies enter data into their systems of records of the commission of crimes and related information in order to recommend in the report how agencies can improve that data entry so that crime data is entered uniformly and in a manner that meets the Center's requirement to have a uniform system of crime records as set forth in 20 V.S.A. § 2053.

* * * Dispatch * * *

Sec. 14. DEPARTMENT OF PUBLIC SAFETY AND THE VERMONT ENHANCED 911 BOARD; PROPOSAL FOR AN EQUITABLE STATEWIDE PUBLIC SAFETY DISPATCH SYSTEM

(a)(1) The Department of Public Safety and the Vermont Enhanced 911 Board shall consult with the Vermont League of Cities and Towns as an equal partner in order to propose a plan that would result in a comprehensive, efficient, and equitably funded public safety dispatch system to dispatch law enforcement, fire, and emergency medical services statewide. In proposing the plan, consideration shall be given to existing and planned regional dispatch centers.

(2) Included in the proposed plan shall be recommendations regarding:

(A) the manner in which different dispatch services should communicate among each other;

(B) whether there should be different dispatching services used among State agencies and departments;

(C) the role of regional dispatch centers;

(D) the funding source or sources for the proposed plan; and

(E) the timeframe for implementing the proposed plan.

(b) On or before November 1, 2019, the Department and the Board shall jointly submit the proposed plan to:

(1) the Senate Committees on Finance, on Government Operations, on Appropriations, and on Economic Development, Housing and General Affairs;

(2) the House Committees on Commerce and Economic Development, on Government Operations, on Appropriations, and on Ways and Means; and

(3) the Governor.

** * * Effective Dates and Implementation * * **

Sec. 15. EFFECTIVE DATES; IMPLEMENTATION

This act shall take effect on July 1, 2018, except:

(1) Sec. 5, amending 20 V.S.A. § 2355 (Council powers and duties) shall take effect on July 1, 2019, except that the requirement to adopt rules set forth in subdivision (a)(1) of that section shall take effect on July 1, 2018 so that those rules are adopted on or before July 1, 2019; and

(2) Sec. 7 (Council; training programs; transition from Level II to Level III certification) shall take effect on July 1, 2019.