

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 22 entitled “An act relating to the professional regulation of law
4 enforcement officers by the Vermont Criminal Justice Training Council”
5 respectfully reports that it has considered the same and recommends that the
6 Senate propose to the House that the bill be amended as follows:

7 First: In Sec. 1, 20 V.S.A. chapter 151 (Vermont Criminal Justice Training
8 Council), by striking out in its entirety section 2355 (Council powers and
9 duties) and inserting in lieu thereof the following:

10 § 2355. COUNCIL POWERS AND DUTIES

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

12 * * *

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16 ~~subsequent to their certification as law enforcement officers; [Repealed.]~~

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

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 (b) The Council shall conduct and administer training schools and offer
4 courses of instruction for law enforcement officers and other criminal justice
5 personnel. The Council may also offer the basic officer’s course for pre-
6 service students and educational outreach courses for the public, including
7 firearms safety and use of force.

8 * * *

9 (f) The Council shall charge participants or employers of participants in
10 law enforcement training programs as follows:

11 * * *

12 (2) The tuition fees for training not required under section 2358 of this
13 chapter shall be set to reflect the actual costs for operation of the particular
14 programs offered, with an additional \$30.00 entrance exam fee assessed on all
15 training, except educational outreach courses for the public.

16 * * *

17 Second: In Sec. 1, 20 V.S.A. chapter 151 (Vermont Criminal Justice
18 Training Council), in section 2401 (definitions), in subdivision (2) (“Category
19 B conduct”), following “amounting to actions on duty or under color of
20 authority, or both, that involve” by inserting willful failure to comply with a
21 State-required policy or

1 Third: In Sec. 1, 20 V.S.A. chapter 151 (Vermont Criminal Justice Training
2 Council), by striking out in its entirety section 2406 (permitted Council
3 sanctions) and inserting in lieu thereof the following:

4 § 2406. PERMITTED COUNCIL SANCTIONS

5 (a) Generally. The Council may impose any of the following sanctions on
6 a law enforcement officer's certification upon its finding that a law
7 enforcement officer committed unprofessional conduct:

8 (1) written warning;

9 (2) suspension, but to run concurrently with the length and time of any
10 suspension imposed by a law enforcement agency with an effective internal
11 affairs program, which shall amount to suspension for time already served if an
12 officer has already served a suspension imposed by his or her agency with such
13 a program;

14 (3) revocation, with the option of recertification at the discretion of the
15 Council; or

16 (4) permanent revocation.

17 (b) Intended revocation; temporary voluntary surrender.

18 (1)(A) If, after an evidentiary hearing, the Council intends to revoke a
19 law enforcement officer's certification due to its finding that the officer
20 committed unprofessional conduct, the Council shall issue a decision to that
21 effect.

1 (B) Within 10 business days from the date of that decision, such an
2 officer may voluntarily surrender his or her certification if there is a pending
3 labor proceeding related to the Council’s unprofessional conduct findings.

4 (C) A voluntary surrender of an officer’s certification shall remain in
5 effect until the labor proceeding and all appeals are finally adjudicated or until
6 the officer requests a final sanction hearing, whichever occurs first, and
7 thereafter until the Council’s final sanction hearing on the matter. At that
8 hearing, the Council may modify its findings and decision on the basis of
9 additional evidence.

10 (2) If an officer fails to voluntarily surrender his or her certification in
11 accordance with subdivision (1) of this subsection, the Council’s original
12 findings and decision shall take effect.

13 Fourth: In Sec. 2 (transitional provisions to implement this act), by adding
14 a subsection (g) to read:

15 (g) Council, OPR; joint report. On or before October 1, 2017, the
16 Executive Director of the Vermont Criminal Justice Training Council and the
17 Director of the Office of Professional Regulation (Office) shall consult with
18 law enforcement stakeholders and report to the Senate and House Committees
19 on Government Operations on a proposal for the Office to perform duties
20 related to the professional regulation of law enforcement officers.

1 Fifth: In Sec. 2 (transitional provisions to implement this act), in subsection
2 (a) (effective internal affairs programs), in subdivision (1) (law enforcement
3 agencies), following “On or before” by striking out “January 1, 2018” and
4 inserting in lieu thereof July 1, 2018

5 Sixth: In Sec. 2 (transitional provisions to implement this act), in
6 subsection (a) (effective internal affairs programs), in subdivision (2)
7 (Vermont Criminal Justice Training Council), following “On or before” by
8 striking out “October 1, 2017” and inserting in lieu thereof April 1, 2018

9 Seventh: In Sec. 2 (transitional provisions to implement this act), in
10 subsection (f) (annual report of Executive Director), following “Annually, on
11 or before January 15, beginning in the year” by striking out “2018 and ending
12 in the year 2021” and inserting in lieu thereof 2019 and ending in the year
13 2022

14 Eighth: By striking out in its entirety Sec. 6 (effective dates) and inserting
15 in lieu thereof after the reader assistance the following:

16 Sec. 6. EFFECTIVE DATES

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

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

1 (2) the following shall take effect on July 1, 2017:

2 (A) in Sec. 1, 20 V.S.A. chapter 151 (Vermont Criminal Justice
3 Training Council):

4 (i) § 2351 (creation and purpose of Council);

5 (ii) § 2351a (definitions);

6 (iii) § 2352 (Council membership);

7 (iv) § 2354 (Council meetings);

8 (v) § 2355 (Council powers and duties), except that subsection (a)
9 shall take effect on July 1, 2018;

10 (vi) § 2358 (minimum training standards; definitions); and

11 (vii) § 2362a (potential hiring agency; duty to contact former
12 agency);

13 (B) Sec. 3, 20 V.S.A. § 1812 (definitions); and

14 (C) Sec. 4, 20 V.S.A. § 1922 (creation of State Police Advisory
15 Commission; members; duties).

16

17

18 (Committee vote: _____)

19

20

Senator _____

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FOR THE COMMITTEE