

DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION;
POTENTIAL AMENDMENTS AS OF 4/13/18

TO THE HOUSE OF REPRESENTATIVES:

The Committee on Government Operations to which was referred Senate Bill No. 273 entitled “An act relating to miscellaneous law enforcement amendments” respectfully reports that it has considered the same and recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * 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.

Comment [BAW1]: Technical correction.

* * *

~~Red strikethrough~~ = removed from bill; **Yellow highlighting** = added to bill

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

2 § 2351a. DEFINITIONS

3 As used in this chapter:

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

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

8 (3) “Law enforcement officer” means an employee of the Vermont
9 Police Academy as permitted under section 2356 of this chapter; a member of
10 the Department of Public Safety who exercises law enforcement powers; a
11 member of the State Police; a Capitol Police officer; a municipal police officer;
12 a constable who exercises law enforcement powers; a motor vehicle inspector;
13 an employee of the Department of Liquor Control who exercises law
14 enforcement powers; an investigator employed by the Secretary of State; a
15 Board of Medical Practice investigator employed by the Department of Health;
16 an investigator employed by the Attorney General or a State’s Attorney; a fish
17 and game warden; a sheriff; a deputy sheriff who exercises law enforcement
18 powers; a railroad police officer commissioned pursuant to 5 V.S.A. chapter
19 68, subchapter 8; or a police officer appointed to the University of Vermont’s
20 Department of Police Services.

21

* * *

Comment [BAW2]: See next section.

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

2 § 2356. VERMONT POLICE ACADEMY; LAW ENFORCEMENT

3 OFFICERS

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

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

12 Sec. 4. 20 V.S.A. § 2352 is amended to read:

13 § 2352. COUNCIL MEMBERSHIP

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

15 (A) the Commissioners of Public Safety, **of Corrections,** ~~of~~
16 ~~Corrections,~~ of Motor Vehicles, ~~and~~ of Fish and Wildlife, and of Mental
17 Health;

18 (B) the Attorney General;

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

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

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

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

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

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

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

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

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

19 (J) three public members who shall not be law enforcement officers; ||
20 **or** current legislators; or otherwise be employed in the criminal justice system,
21 one of whom shall be appointed by the Speaker of the House, one of whom

Comment [BAW3]: Per editor request

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1 shall be appointed by the Senate Committee on Committees, and one of whom
2 shall be appointed by the Governor.

3 * * *

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

5 § 2355. COUNCIL POWERS AND DUTIES

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

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

11 * * *

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

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

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

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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. ~~2~~ 5 of this act. The report shall specifically address any budgetary implications of the provisions of Sec. 5. The report may be in verbal form.

Sec. 7. 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 (1) Level I certification.

2 * * *

3 (2) Level II certification.

4 * * *

5 (3) Level III certification.

6 * * *

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

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

Comment [BAW4]: Effective date extended until 7/1/20. See effective dates in last section of bill.

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

15 * * *

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

17 § 2361. ADDITIONAL TRAINING

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

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

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

7 **Sec. 9. LAW ENFORCEMENT STATE RETIREMENT BENEFITS**

8 **STUDY COMMITTEE; REPORT**

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

14 (b) Membership. The Committee shall be composed of the following
15 10 members:

16 (1) the Chair of the House Committee on Appropriations or designee
17 who is a current legislator;

18 (2) the Chair of the Senate Committee on Appropriations or designee;
19 who is a current legislator

20 (3) the Chair of the House Committee no Government Operations or
21 designee who is a current legislator;

1 (4) the Chair of the Senate Committee on Government Operations or
2 designee who is a current legislator;

3 (5) the State Treasurer or designee;

4 (6) the Secretary of Administration or designee;

5 (7) the Commissioner of Human Resources or designee;

6 (8) the Commissioner of Public Safety or designee;

7 (9) a law enforcement officer appointed by the President of the Vermont
8 State Employees' Association; and

9 (10) a member of the Vermont Troopers' Association, elected by its
10 membership.

11 (c) Powers and duties.

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

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

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

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

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

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

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

15 (3) Actuarial analysis; appropriation.

16 (A)(i) The State Treasurer shall consult with an actuary in order to
17 determine any financial impact on the System as a result of changes
18 recommended under subdivision (2) of this subsection.

19 (ii) The amount of \$75,000.00 is appropriated to the Office of
20 State Treasurer for any actuarial analysis performed under this subdivision (3).

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1 (B) The Committee shall review the actuarial analysis performed by
2 the State Treasurer and make any adjustments to its recommendations as it
3 deems appropriate in light of the financial impact on the System.

4 (d) Assistance.

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

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

12 (e) Meetings.

13 (1) The Office of Legislative Council shall call the first meeting of the
14 Committee to occur on or before [date].

Comment [BAW5]: What is the expected timeframe for this Committee's work? Can it be accomplished prior to the 2019 biennium?

15 (2) The Committee shall select co-chairs from among its membership, at
16 least one of whom is a legislative member serving in his or her capacity as a
17 legislator.

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

19 (4) The Committee shall cease to exist on [date].

Comment [BAW6]: [same question as above]

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1 (f) Compensation and reimbursement.

2 (1) For attendance at meetings during adjournment of the General
3 Assembly, a legislative member of the Committee serving in his or her
4 capacity as a legislator shall be entitled to per diem compensation and
5 reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than [#]
6 meetings. These payments shall be made from monies appropriated to the
7 General Assembly.

Comment [BAW7]: Should there be a meeting limit?

8 (2) Other members of the Committee shall be entitled to per diem
9 compensation and reimbursement of expenses as permitted under 32 V.S.A. §
10 1010 for not more than [#] meetings. These payments shall be made from
11 monies appropriated to the Agency of Administration.

Comment [BAW8]: [same question as above]

12 (g) Progress report. On or before January 15, 2019, the Committee shall
13 provide a progress report to the House and Senate Committees on Government
14 Operations and on Appropriations.

Comment [BAW9]: If the Committee should complete its work by 2019 biennium, revise to refer to a final report.

15 ----- [end of HGO's 4/13/18 review] -----

16 * * * Administration * * *

17 Sec. 10. 20 V.S.A. § 2053 is amended to read:

18 § 2053. COOPERATION WITH OTHER AGENCIES

19 (a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and
20 agencies, municipal police departments, sheriffs, and other law enforcement
21 officers in this ~~state~~ State and with federal and international law enforcement

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1 agencies to develop and carry on a uniform and complete ~~state~~ State, interstate,
2 national, and international system of records of ~~criminal activities~~ commission
3 of crimes and information.

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

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

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1 Operations regarding the Department’s findings as set forth in subsection (a) of
2 this section.

3 Sec. 8. LEAB; REPEAL FOR RECODIFICATION

4 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

5 Sec. 12. 20 V.S.A. § 1818 is added to read:

6 § 1818. LAW ENFORCEMENT ADVISORY BOARD

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

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

13 (1) the Commissioner of Public Safety or designee;

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

16 (3) a member of the Vermont Sheriffs’ Association appointed by the
17 President of the Association;

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

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

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1 (6) the Attorney General or designee;

2 (7) a State’s Attorney appointed by the Executive Director of the

3 Department of State’s Attorneys and Sheriffs;

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

5 (9) the Executive Director of the Vermont Criminal Justice Training

6 Council;

7 (10) the Defender General or designee;

8 (11) a representative of the Vermont Troopers’ Association or its

9 successor entity, elected by its membership;

10 (12) a member of the Vermont Constables Association appointed by the

11 President of the Association; and

12 (13) a law enforcement officer appointed by the President of the

13 Vermont State Employees 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 or a majority
17 of the members. A quorum shall consist of seven members, and decisions of
18 the Board shall require the approval of a majority of those members present
19 and voting.

20 (c) The Board shall undertake an ongoing formal process of reviewing 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 the monies
2 available. The Board shall also provide educational resources to Vermonters
3 about public safety challenges in the State.

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

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

11 Sec. 13. LEAB; RECODIFICATION DIRECTIVE

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

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

17 Sec. 14. LEAB; 2019 REPORT ON MUNICIPAL ACCESS TO LAW

18 ENFORCEMENT SERVICES

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

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

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

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

7 (3) the Governor.

8 * * * Effective Dates and Implementation * * *

9 Sec. 16. EFFECTIVE DATES; IMPLEMENTATION

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

12 **(1) the following sections shall take effect on July 1, 2019:**

13 ~~(1)(A)~~ **(A)** Sec. ~~2~~ **5**, amending 20 V.S.A. § 2355 (Council powers and
14 duties), except that the requirement to adopt rules set forth in subdivision (a)(1)
15 of that section shall take effect on July 1, 2018 so that those rules are adopted
16 on or before July 1, 2019;

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

19 ~~(3)(B)~~ **(B)** Sec. ~~6~~ **10**, amending 20 V.S.A. § 2053 (cooperation with other
20 agencies); and

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1 (2) **Sec. 7, amending 20 V.S.A. § 2358 (minimum training standards;**
2 **definitions) shall take effect on July 1, 2020.**

Comment [BAW10]: Re: requirements for block step training transition from Level II to Level III.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE