

1 TO THE HOUSE OF REPRESENTATIVES:

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

8 * * * Training * * *

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

10 § 2351. CREATION AND PURPOSE OF COUNCIL

11 * * *

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

16 * * *

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

18 § 2351a. DEFINITIONS

19 As used in this chapter:

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

1 certification shall be a law enforcement officer with statewide law enforcement
2 authority.

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

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

8 § 2352. COUNCIL MEMBERSHIP

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

10 (A) the Commissioners of Public Safety, of Corrections, of Motor
11 Vehicles, ~~and~~ of Fish and Wildlife, and of Mental Health;

12 (B) the Attorney General;

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

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

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

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

20 ~~(ii) The Governor shall solicit recommendations for appointment~~
21 ~~from the Vermont State's Attorneys Association, the Vermont State's Sheriffs~~

1 ~~Association, the Vermont Police Chiefs Association, and the Vermont~~
2 ~~Constables Association~~ a member of the Chiefs of Police Association of
3 Vermont, appointed by the President of the Association;

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

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

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

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

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

17 * * *

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

2 § 2355. COUNCIL POWERS AND DUTIES

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

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

8 * * *

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

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

17 * * *

18 Sec. 6. COUNCIL; REPORT ON TRAINING ALTERNATIVES

19 On or before January 15, 2019, the Executive Director of the Vermont
20 Criminal Justice Training Council shall report to the Senate and House
21 Committees on Government Operations regarding the Council's identification

1 and implementation of alternate routes to certification and its plan to replace
2 some of its overnight law enforcement training requirements at the Robert H.
3 Wood, Jr. Criminal Justice and Fire Service Training Center of Vermont
4 (Police Academy) with training in multiple regions of the State, in accordance
5 with 20 V.S.A. § 2355 in Sec. 5 of this act. The report shall specifically
6 address any budgetary implications of the provisions of Sec. 5. The report may
7 be in verbal form.

8 Sec. 7. 20 V.S.A. § 2358 is amended to read:

9 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

10 * * *

11 (b) The Council shall offer or approve basic training and annual in-service
12 training for each of the following three levels of law enforcement officer
13 certification in accordance with the scope of practice for each level; and shall
14 determine by rule the scope of practice for each level in accordance with the
15 provisions of this section:

16 (1) Level I certification.

17 * * *

18 (2) Level II certification.

19 * * *

20 (3) Level III certification.

21 * * *

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

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

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

9 * * *

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

11 § 2361. ADDITIONAL TRAINING

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

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

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

2 Sec. 9. LAW ENFORCEMENT STATE RETIREMENT BENEFITS

3 STUDY COMMITTEE; REPORT

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

9 (b) Membership.

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

11 10 members:

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

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

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

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

20 (E) the State Treasurer or designee;

21 (F) the Secretary of Administration or designee;

1 (G) the Commissioner of Human Resources or designee;

2 (H) the Commissioner of Public Safety or designee;

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

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

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

9 (c) Powers and duties.

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

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

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

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).

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 September 15, 2018.

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

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

19 (4) The Committee shall cease to exist on the date it submits its final
20 report.

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. These payments shall
6 be made from monies appropriated to the General Assembly.

7 (2) Other members of the Committee shall be entitled to per diem
8 compensation and reimbursement of expenses as permitted under 32 V.S.A.
9 § 1010. These payments shall be made from monies appropriated to the
10 Agency of Administration.

11 (g) Reports.

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

15 (2) The Committee shall submit its final report during the 2019-2020
16 biennium.

17 * * * Law Enforcement Advisory Board * * *

18 Sec. 10. LEAB; REPEAL FOR RECODIFICATION

19 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

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

2 § 1818. LAW ENFORCEMENT ADVISORY BOARD

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

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

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

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

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

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

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

18 (6) the Attorney General or designee;

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

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

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

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

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

7 (12) the President of the Vermont State Employees Association or
8 designee.

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

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

20 (d)(1) The Board shall meet at its discretion to develop policies and
21 recommendations for law enforcement priority needs, including retirement

1 benefits, recruitment of officers, training, homeland security issues,
2 dispatching, and comprehensive drug enforcement.

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

6 Sec. 12. LEAB; RECODIFICATION DIRECTIVE

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

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

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

15 As part of its annual report in the year 2019, the Law Enforcement

16 Advisory Board shall:

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

19 (2) consult with the Vermont Crime Information Center, the Crime
20 Research Group, and other interested stakeholders regarding the manner in
21 which law enforcement agencies enter data into their systems of records of the

1 commission of crimes and related information in order to recommend in the
2 report how agencies can improve that data entry so that crime data is entered
3 uniformly and in a manner that meets the Center’s requirement to have a
4 uniform system of crime records as set forth in 20 V.S.A. § 2053.

5 * * * State Dispatch Costs * * *

6 Sec. 14. DEPARTMENT OF PUBLIC SAFETY; REPORT ON EXISTING
7 STATE COSTS OF PROVIDING DISPATCH SERVICES

8 On or before October 1, 2018, the Commissioner of Public Safety shall
9 provide to the House and Senate Committees on Government Operations the
10 existing cost to the State of the Department of Public Safety providing dispatch
11 services.

12 * * * Effective Dates and Implementation * * *

13 Sec. 15. EFFECTIVE DATES; IMPLEMENTATION

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

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

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

21

1

2 (Committee vote: _____)

3

4

Representative _____

5

FOR THE COMMITTEE