

1 Introduced by Senators White, Ayer, Clarkson, Collamore, and Pearson

2 Referred to Committee on

3 Date:

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

5 miscellaneous

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

11 An act relating to miscellaneous law enforcement amendments

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

13 * * * Training * * *

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

15 § 2352. COUNCIL MEMBERSHIP

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

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

19 (B) the Attorney General;

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

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

5 (E) a member of the Chiefs of Police Association of Vermont;

6 (F) a member of the Vermont Sheriffs' Association; and

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

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

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

14 * * *

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

16 § 2355. COUNCIL POWERS AND DUTIES

17 * * *

18 (b)(1)(A) The Council shall conduct and administer training schools and
19 offer courses of instruction for law enforcement officers and other criminal
20 justice personnel. The Council shall offer courses of instruction for law

1 enforcement officers in different areas of the State and shall strive to offer non-
2 overnight courses whenever possible.

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

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

8 * * *

9 Sec. 3. COUNCIL; REPORT ON NON-OVERNIGHT TRAINING

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

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

18 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

19 * * *

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

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

4 (1) Level I certification.

5 * * *

6 (2) Level II certification.

7 * * *

8 (3) Level III certification.

9 * * *

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

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

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

18 * * *

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

2 Subchapter 2. State Police

3 § 1910. DUTIES OF THE STATE POLICE; PROHIBITION ON

4 MUNICIPAL CONTRACTS

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

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

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

8 (3) special investigations.

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

11 Sec. 9. VERMONT STATE POLICE; PROHIBITION ON RENEWING

12 MUNICIPAL LAW ENFORCEMENT CONTRACTS

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

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

18 § 4382. THE PLAN FOR A MUNICIPALITY

19 (a) A plan for a municipality may be consistent with the goals established
20 in section 4302 of this title and compatible with approved plans of other

1 municipalities in the region and with the regional plan and shall include the
2 following:

3 * * *

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

7 * * *

8 Sec. 11. APPLICABILITY TO MUNICIPAL PLANS

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

12 * * * Coverage * * *

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

14 § 2055. FILES

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

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

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

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

9 Sec. 13. LEAB; REPEAL FOR RECODIFICATION

10 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

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

12 § 1818. LAW ENFORCEMENT ADVISORY BOARD

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

19 (1) the Commissioner of Public Safety;

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

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

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

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

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

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

9 (8) the Attorney General or his or her designee;

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

12 (10) the U.S. Attorney or his or her designee;

13 (11) the Executive Director of the Vermont Criminal Justice Training
14 Council;

15 (12) the Defender General or designee;

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

18 (14) a member of the Vermont Constables Association appointed by the
19 President of the Association.

20 (b) The Board shall elect a chair and a vice chair, which shall rotate among
21 the various member representatives. Each member shall serve a term of two

1 years. The Board shall meet at the call of the Chair. A quorum shall consist of
2 eight members, and decisions of the Board shall require the approval of a
3 majority of those members present and voting.

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

9 (d)(1) The Board shall meet no fewer than six times a year to develop
10 policies and recommendations for law enforcement priority needs, including
11 retirement benefits, recruitment of officers, training needs, homeland security
12 issues, dispatching, and comprehensive drug enforcement.

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

16 Sec. 15. LEAB; RECODIFICATION DIRECTIVE

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

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

1 Sec. 16. LEAB; 2019 REPORT ON MUNICIPAL ACCESS TO LAW
2 ENFORCEMENT SERVICES

3 As part of its annual report in the year 2019, the Law Enforcement
4 Advisory Board shall specially recommend how towns can increase access to
5 law enforcement services.

6 * * * 911 Call-Taking (PSAPs) and Dispatch * * *

7 Sec. 17. DEPARTMENT OF PUBLIC SAFETY; PSAPS; PLAN FOR
8 TRANSFER OF AUTHORITY

9 (a) Repeal. 2015, No. 118 (Adj. Sess.), Sec. 3 (Department of Public
10 Safety; 911 call-taking), which requires the Department of Public Safety to
11 continue to provide 911 call-taking services unless otherwise directed by
12 legislative enactment, is repealed on July 1, 2020 and the Department shall be
13 prohibited from providing 911-call taking services on that date.

14 (b) Plan for transfer of authority.

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

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

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

6 (B) the House Committees on Commerce and Economic
7 Development, on Government Operations, on Appropriations, and on Ways
8 and Means; and

9 (C) the Governor.

10 Sec. 18. AGENCY OF COMMERCE AND COMMUNITY

11 DEVELOPMENT; REGIONAL PLANNING COMMISSIONS;

12 PUBLIC SAFETY PLANNING GRANTS

13 (a) Appropriation. The sum of \$1.00 is appropriated to the Agency of
14 Commerce and Community Development in fiscal year 2019 for the public
15 safety planning grants to regional planning commissions described in
16 subsection (b) of this section. The Agency shall award the grants in
17 accordance with its procedure established under the Vermont Community
18 Development Act.

19 (b) Public safety planning grants.

20 (1) A regional planning commission may apply to the Agency for a
21 public safety planning grant for the purpose of planning the integration,

1 consolidation, or regionalization of public safety functions within the
2 commission’s jurisdiction. A grant shall be for a maximum of three years and
3 shall not exceed \$1.00.

4 (2) As used in this section:

5 (A)(i) “Planning” means hiring personnel or contracting for services
6 to determine the feasibility of or to establish the procedure to implement, or
7 both, the integration, consolidation, or regionalization of public safety
8 functions.

9 (ii) “Planning” does not mean implementing such integration,
10 consolidation, or regionalization.

11 (B) “Public safety functions” means fire, police, emergency medical
12 services, and dispatching services.

13 * * * Effective Dates * * *

14 Sec. 19. EFFECTIVE DATES

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

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

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

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

- 1 (4) Sec. 7, amending 20 V.S.A. § 2053 (cooperation with other
2 agencies; universal State system of criminal records); and
3 (5) Sec. 8, adding 20 V.S.A. § 1910 (duties of the State Police;
4 prohibition on municipal contracts).