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H.750

Introduced by Representatives Stevens of Waterbury, Birong of Vergennes,  
Fagan of Rutland City, Gamache of Swanton, Gonzalez of  
Winooski, Hango of Berkshire, Howard of Rutland City,  
Killacky of South Burlington, Long of Newfane, Potter of  
Clarendon, Sibia of Dover, Szott of Barnard, Troiano of  
Stannard, and Walz of Barre City

Referred to Committee on

Date:

Subject: Internal security and public safety; National Guard; provost marshal

Statement of purpose of bill as introduced: This bill proposes to permit the  
Adjutant and Inspector General to appoint a provost marshal.

An act relating to creating a National Guard provost marshal

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

Sec. 1. 20 V.S.A. § 428 is added to read:

§ 428. PROVOST MARSHAL

(a) Appointment; qualifications.

(1) The Adjutant and Inspector General may:

1           (A) appoint to serve as provost marshal an officer who holds the rank  
2           of major (O-4) or below and is certified as a Level III law enforcement officer  
3           by the Vermont Criminal Justice Training Council; and

4           (B) appoint to serve as assistant provost marshal a noncommissioned  
5           officer who holds the rank of first sergeant (E-8) or below and is certified as a  
6           Level III law enforcement officer by the Vermont Criminal Justice Training  
7           Council.

8           (2) The provost marshal and the assistant provost marshal shall serve at  
9           the pleasure of the Adjutant and Inspector General.

10          (b) Duties. The provost marshal shall report directly to the Adjutant and  
11          Inspector General and shall have the following duties:

12           (1) Serve as the primary liaison between the Vermont National Guard  
13           and federal, State, and local law enforcement agencies, including:

14           (A) reporting and documenting criminal activity identified within the  
15           Guard;

16           (B) providing assistance to federal, State, and local law enforcement;

17           (C) overseeing the use of National Guard personnel and resources to  
18           assist civil authorities in relation to disasters, special events, and other similar  
19           activities; and

20           (D) coordinating with State's Attorneys and the Attorney General in  
21           cases related to members of the Vermont National Guard.

1           (2) Supervise the Vermont National Guard's utilization of the National  
2 Crime Information Center and the Vermont Crime Information Center.

3           (3) Oversee security-related issues, including:

4           (A) monitoring local and State threats and anti-terrorism efforts;

5           (B) coordinating with relevant agencies in relation to the security of  
6 high-risk personnel;

(C) cooperating with the Director of Military Support and other  
relevant federal agencies in anti-terrorism efforts and critical infrastructure  
protection *in relation to domestic emergencies*; and

7           (D) providing information to the Director of Military Support in  
8 relation to addressing criminal threats, handling of sensitive information, and  
9 information sharing with civilian law enforcement agencies.

*(4) Respond to allegations of sexual assault within the Vermont National*  
*Guard, including:*

*(A) reporting and documenting allegations of sexual assault within*  
*the Guard;*

*(B) coordinating and communicating with the Vermont National*  
*Guard Sexual Assault Response Coordinator as appropriate;*

*(C) coordinating and communicating with federal, State, and local*  
*law enforcement in relation to allegations of sexual assault by a member of the*  
*Vermont National Guard; and*

*(D) coordinating with State's Attorneys and the Attorney General in*  
*cases related to an alleged sexual assault by a member of the Vermont*  
*National Guard.*

10       ~~(c) Powers. The provost marshal and the assistant provost marshal shall~~

11       ~~have the same powers and immunities as those conferred on the State Police.~~

1 ~~by section 1914 of this title. The powers granted to the provost marshal and~~  
2 ~~the assistant provost marshal under this section may be exercised statewide with~~

*(c) Powers. The provost marshal and the assistant provost marshal shall have the same powers and immunities as those conferred on the State Police by section 1914 of this title. The powers granted to the provost marshal and the assistant provost marshal under this section may be exercised statewide with respect to criminal activity in the National Guard only. Nothing in this subsection shall be construed to prevent an individual serving as the provost marshal or assistant provost marshal from working as an officer in another law enforcement agency or from exercising the law enforcement authority granted to officers working in that agency.*

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

4 § 2351a. DEFINITIONS

5 As used in this chapter:

6 \* \* \*

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

