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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.

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
12 by section 1914 of this title. The powers granted to the provost marshal and
13 the assistant provost marshal under this section may be exercised statewide.

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

15 § 2351a. DEFINITIONS

16 As used in this chapter:

17 * * *

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

14 * * *

15 Sec. 3. EFFECTIVE DATE

16 This act shall take effect on July 1, 2020.