

1 S.124

2 Introduced by Senator White

3 Referred to Committee on Government Operations

4 Date: February 22, 2019

5 Subject: Public safety; government operations; law enforcement;
6 miscellaneous

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

12 ~~An act relating to miscellaneous law enforcement amendments.~~
*An act relating to governmental structures protecting the public health,
safety, and welfare*

13

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

15 ~~*** Training ***~~

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

17 § 2352. COUNCIL MEMBERSHIP

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

19 (A) the Commissioners of Public Safety, of Corrections, of Motor

20 ~~Vehicles, and of Fish and Wildlife,~~

1 ~~(B) the Attorney General;~~

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

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

6 (E) a member of the Chiefs of Police Association of Vermont,
7 appointed by the President of the Association;

8 (F) a member of the Vermont Sheriffs' Association, appointed by the
9 President of the Association; and

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

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

13 (ii) The Governor shall solicit recommendations for appointment
14 from the Vermont State's Attorneys Association, the Vermont State's Sheriffs
15 Sheriffs' Association, the Chiefs of Police Association of Vermont Police
16 Chiefs Association, and the Vermont Constables Association.

17 * * *

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

19 § 2355. COUNCIL POWERS AND DUTIES

20

1 ~~(b)(1)(A) The Council shall conduct and administer training schools and~~
2 offer courses of instruction for law enforcement officers and other criminal
3 justice personnel. The Council shall offer courses of instruction for law
4 enforcement officers in different areas of the State and shall strive to offer
5 nonovernight courses whenever possible.

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

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

11 * * *

12 Sec. 3. COUNCIL; REPORT ON NONOVERNIGHT TRAINING

13 On or before January 1, 2020, the Executive Director of the Vermont
14 Criminal Justice Training Council shall report to the Senate and House
15 Committees on Government Operations regarding the Council's plan to
16 replace some of its overnight law enforcement training requirements at the
17 Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center of
18 Vermont (the Police Academy) with nonovernight training in other areas of the
19 State, in accordance with 20 V.S.A. § 2355(b)(1)(A) in Sec. 2 of this act.

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

2 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

3 * * *

4 (b) The Council shall offer or approve basic training and annual in-service
5 training for each of the following three levels of law enforcement officer
6 certification in accordance with the scope of practice for each level, and shall
7 determine by rule the scope of practice for each level in accordance with the
8 provisions of this section:

9 (1) Level I certification.

10 * * *

11 (2) Level II certification.

12 * * *

13 (3) Level III certification.

14 * * *

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

17 (2) The Council shall structure its programs so that a Level I certified
18 officer may complete additional training in block steps in order to transition to
19 Level III certification, without such an officer needing to restart the
20 certification process.

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

3 * * *

4 * * * Recruitment and Retention * * *

5 Sec. 5. 20 V.S.A. § 2362b is added to read:

6 § 2362b. RECRUITMENT FEE

7 A law enforcement agency that hires a law enforcement officer employed
8 by another law enforcement agency within two years of that officer's initial
9 certification shall reimburse that employing agency for any costs the
10 employing agency paid for that officer's training and certification.

11 Sec. 6. STATE TREASURER; RETIREMENT DIVISION; PROPOSED
12 PLAN; LAW ENFORCEMENT OFFICERS COVERED UNDER
13 VERMONT MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM

14 (a) On or before January 1, 2020, the State Treasurer's Retirement Division
15 shall submit to the Senate and House Committees on Government Operations
16 a proposed plan to place municipal law enforcement officers covered under
17 the Municipal Employees' Retirement System of Vermont (VMERS) on a
18 new retirement plan substantially equivalent to the retirement plan that
19 covers law enforcement officers under the Vermont State Retirement System
20 (VSRS), except for the health and medical benefits available to officers under
21 the VSRS.

1 ~~(b) The Retirement Division's proposed plan shall include:~~

2 ~~(1) recommendations on how to transition VMERS officers to the new~~
3 ~~retirement plan, including any specific timing recommendations;~~

4 ~~(2) the costs associated with the new retirement plan; and~~

5 ~~(3) concerns, if any, regarding the new retirement plan.~~

6 * * * Administration * * *

7 Sec. 7. 20 V.S.A. § 2053 is amended to read:

8 § 2053. COOPERATION WITH OTHER AGENCIES; UNIVERSAL STATE

9 SYSTEM OF CRIMINAL RECORDS

10 (a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments
11 and agencies, municipal police departments, sheriffs, and other law
12 enforcement officers in this ~~state~~ State and with federal and international law
13 enforcement agencies to develop and carry on a uniform and complete ~~state~~
14 State, interstate, national, and international system of records of criminal
15 activities and information.

16 (b) All ~~state~~ State departments and agencies, municipal police departments,
17 sheriffs, and other law enforcement officers shall ~~cooperate with~~ and assist the
18 ~~center in the establishment of a complete and~~ use a uniform, universal system
19 of records approved by the Center relating to the commission of crimes,
20 arrests, convictions, imprisonment, probation, parole, fingerprints,
21 photographs, stolen property, and other matters relating to the identification

1 ~~and records of persons who have or who are alleged to have committed a~~
2 crime, who are missing persons, or who are fugitives from justice.

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

4 Subchapter 2. State Police

5 § 1910. DUTIES OF THE STATE POLICE; PROHIBITION ON
6 MUNICIPAL CONTRACTS

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

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

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

10 (3) special investigations.

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

13 * * *

14 Sec. 9. VERMONT STATE POLICE; PROHIBITION ON RENEWING
15 MUNICIPAL LAW ENFORCEMENT CONTRACTS

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

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

2 § 4382. THE PLAN FOR A MUNICIPALITY

3 (a) A plan for a municipality may be consistent with the goals established
4 in section 4302 of this title and compatible with approved plans of other
5 municipalities in the region and with the regional plan and shall include the
6 following:

7 * * *

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

11 * * *

12 Sec. 11. APPLICABILITY TO MUNICIPAL PLANS

13 Sec. 10 of this act, amending 24 V.S.A. § 4382 (the plan for a
14 municipality), shall apply to municipal plans adopted or amended on or after
15 January 1, 2020.

16 * * * Coverage * * *

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

18 § 2055. FILES

19 (a) The ~~director~~ Director of the Vermont ~~crime information center~~ Crime
20 Information Center shall.

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

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

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

13 Sec. 13. LEAB; REPEAL FOR RECODIFICATION

14 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

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

16 § 1818. LAW ENFORCEMENT ADVISORY BOARD

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

1 ~~The Board shall review any matter that affects more than one law enforcement~~

2 agency. The Board shall comprise the following members:

3 (1) the Commissioner of Public Safety;

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

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

6 (4) a member of the Chiefs of Police Association of Vermont appointed
7 by the President of the Association;

8 (5) a member of the Vermont Sheriffs' Association appointed by the
9 President of the Association;

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

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

14 (8) the Attorney General or designee;

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

17 (10) the U.S. Attorney or designee;

18 (11) the Executive Director of the Vermont Criminal Justice Training
19 Council;

20 ~~(12) the Defender General or designee,~~

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

3 (14) a member of the Vermont Constables Association appointed by the
4 President of the Association.

5 (b) The Board shall elect a chair and a vice chair, which positions shall
6 rotate among the various member representatives. Each member shall serve a
7 term of two years. The Board shall meet at the call of the Chair. A quorum
8 shall consist of eight members, and decisions of the Board shall require the
9 approval of a majority of those members present and voting.

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

15 (d)(1) The Board shall meet not fewer than six times a year to develop
16 policies and recommendations for law enforcement priority needs, including
17 retirement benefits, recruitment of officers, training, homeland security issues,
18 dispatching, and comprehensive drug enforcement.

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

1 ~~Sec. 15. LEAB; RECODIFICATION DIRECTIVE~~

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

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

7 Sec. 16. LEAB; 2019 REPORT ON MUNICIPAL ACCESS TO LAW
8 ENFORCEMENT SERVICES

9 As part of its annual report in the year 2020, the Law Enforcement
10 Advisory Board shall specifically recommend ways that towns can increase
11 access to law enforcement services.

12 * * * 911 Call-Taking (PSAPs) and Dispatch * * *

13 Sec. 17. DEPARTMENT OF PUBLIC SAFETY; PSAPS; PLAN FOR
14 TRANSFER OF AUTHORITY

15 (a) Repeal. 2016 Acts and Resolves No. 118, Sec. 3 (Department of Public
16 Safety; 911 call-taking), which requires the Department of Public Safety to
17 continue to provide 911 call-taking services unless otherwise directed by
18 legislative enactment, is repealed on July 1, 2021, and the Department shall be
19 prohibited from providing 911 call-taking services on that date.

1 (b) Plan for transfer of authority

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

7 (2) On or before January 1, 2020, the Department shall submit its
8 proposed plan to:

9 (A) the Senate Committees on Finance, on Government Operations,
10 on Appropriations, and on Economic Development, Housing and General
11 Affairs;

12 (B) the House Committees on Commerce and Economic
13 Development, on Government Operations, on Appropriations, and on Ways
14 and Means; and

15 (C) the Governor.

16 Sec. 18. AGENCY OF COMMERCE AND COMMUNITY

17 DEVELOPMENT; REGIONAL PLANNING COMMISSIONS;

18 PUBLIC SAFETY PLANNING GRANTS

19 (a) Appropriation. The sum of \$1.00 is appropriated to the Agency of
20 Commerce and Community Development in fiscal year 2020 for the public
21 safety planning grants to regional planning commissions described in

1 ~~ection (b) of this section. The Agency shall award the grants in accordance~~
2 ~~with its procedure established under the Vermont Community Development~~
3 ~~Act.~~

4 (b) Public safety planning grants.

5 (1) A regional planning commission may apply to the Agency for a
6 public safety planning grant for the purpose of planning the integration,
7 consolidation, or regionalization of public safety functions within the
8 commission's jurisdiction. A grant shall be for a maximum of three years and
9 shall not exceed \$1.00.

10 (2) As used in this section:

11 (A)(i) "Planning" means hiring personnel or contracting for services
12 to determine the feasibility of or to establish the procedure to implement, or
13 both, the integration, consolidation, or regionalization of public safety
14 functions.

15 (ii) "Planning" does not mean implementing such integration,
16 consolidation, or regionalization.

17 (B) "Public safety functions" means fire, police, emergency medical
18 services, and dispatching services.

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~~*** Effective Dates ***~~

Sec. 15. EFFECTIVE DATES

This act shall take effect on July 1, 2019, except the following sections shall take effect on July 1, 2020:

- (1) Sec. 2, amending 20 V.S.A. § 2355 (Council powers and duties);
- (2) Sec. 4, amending 20 V.S.A. § 2358 (minimum training standards; definitions);
- (3) Sec. 5, adding 20 V.S.A. § 2362b (recruitment fee);
- (4) Sec. 7, amending 20 V.S.A. § 2053 (cooperation with other agencies; universal State system of criminal records); and
- (5) Sec. 8, adding 20 V.S.A. § 1910 (duties of the State Police; prohibition on municipal contracts).

~~*** Vermont Criminal Justice Training Council ***~~

~~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.~~

~~Sec. 2. 20 V.S.A. § 2352 is amended to read:~~

~~§ 2352. COUNCIL MEMBERSHIP~~

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

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

~~(B) the Attorney General,~~

~~(C) the Executive Director of the Department of State's Attorneys and Sheriffs;~~

~~(D) a member of the Vermont Troopers' Association or its successor entity, elected by its membership;~~

~~(E) a member of the Vermont Police Association, elected by its membership, and~~

~~(F) five additional members appointed by the Governor:~~

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

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

~~(G) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;~~

~~(H) a law enforcement officer appointed by the President of the Vermont State Employees Association;~~

~~(I) an employee of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;~~

~~(J) an employee of the Vermont Center for Crime Victim Services, appointed by the Executive Director of the Center; and~~

~~(K) three public members who shall not be law enforcement officers or have a spouse, parent, child, or sibling who is a law enforcement officer, current legislators, or otherwise be employed in the criminal justice system, one of whom shall be appointed by the Speaker of the House, one of whom shall be appointed by the Senate Committee on Committees, and one of whom shall be appointed by the Governor.~~

~~(2) A member's term shall be three years.~~

~~***~~

~~(c) The public members of the Council set forth in subdivision (a)(1)(F) of this section shall be entitled to receive no per diem compensation for their services, but the other members of the Council shall not be entitled to such compensation; provided, however, that all members of the Council shall be allowed their actual and necessary entitled to receive reimbursement of~~

~~expenses incurred in the performance of their duties. Per diem compensation and reimbursement of expenses under this subsection shall be made as permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.~~

~~Sec. 2. 20 V.S.A. § 2352 is amended to read:~~

~~§ 2352. COUNCIL MEMBERSHIP~~

- ~~(a)(1) The Vermont Criminal Justice Training Council shall consist of:~~
- ~~(A) the Commissioners of Public Safety, of Corrections, of Motor Vehicles, and of Fish and Wildlife, and of Mental Health;~~
 - ~~(B) the Attorney General;~~
 - ~~(C) the Executive Director of the Department of State's Attorneys and Sheriffs;~~
 - ~~(D) the Executive Director of Racial Equity;~~
 - ~~(E) a member of the Vermont Troopers' Association or its successor entity, elected by its membership;~~
 - ~~(F) a member of the Vermont Police Association, elected by its membership; and~~
 - ~~(G) five additional members appointed by the Governor:~~
 - ~~(i) The Governor's appointees shall provide broad representation of all aspects of law enforcement and the public in Vermont on the Council.~~
 - ~~(ii) The Governor shall solicit recommendations for appointment from the Vermont State's Attorneys Association, the Vermont State's Sheriffs Association, the Vermont Police Chiefs Association, and the Vermont Constables Association a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;~~
 - ~~(H) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;~~
 - ~~(I) a law enforcement officer, appointed by the President of the Vermont State Employees Association;~~
 - ~~(J) an employee of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;~~
 - ~~(K) an individual appointed by the Executive Director of the Center for Crime Victim Services;~~

~~(L) an individual appointed by the Executive Director of the Human Rights Commission;~~

~~(M) an individual appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence; and~~

~~(N) three public members, appointed by the Governor, who shall not be law enforcement officers or have a spouse, parent, child, or sibling who is a law enforcement officer, current legislators, or otherwise be employed in the criminal justice system.~~

~~(2) A member's term shall be three years.~~

~~***~~

~~(c) The public members of the Council set forth in subdivision (a)(1)(N) of this section shall be entitled to receive no per diem compensation for their services, but the other members of the Council shall not be entitled to such compensation; provided, however, that all members of the Council shall be allowed their actual and necessary entitled to receive reimbursement of expenses incurred in the performance of their duties. Per diem compensation and reimbursement of expenses under this subsection shall be made as permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.~~

~~***~~

~~Sec. 3. TRANSITIONAL PROVISION TO ADDRESS NEW COUNCIL MEMBERSHIP~~

~~Any existing member of the Vermont Criminal Justice Training Council who will serve on the Council under its new membership as set forth in Sec. 2 of this act may serve the remainder of his or her term in effect immediately prior to the effective date of Sec. 2.~~

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

~~§ 2355. COUNCIL POWERS AND DUTIES~~

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

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

~~***~~

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

~~officers in different areas of the State and shall strive to offer nonovernight courses whenever possible.~~

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

~~***~~

~~Sec. 5. 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) Level I certification.~~

~~***~~

~~(2) Level II certification.~~

~~***~~

~~(3) Level III certification.~~

~~***~~

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

~~(2) The Council shall structure its programs so that on and after July 1, 2021, a Level II certified officer may use portfolio experiential learning or College Level Examination Program (CLEP) testing in order to transition to Level III certification, without such an officer needing to restart the certification process.~~

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

~~***~~

~~Sec. 6. COUNCIL; REPORT ON CHANGES IN TRAINING OPTIONS;
RULE ADOPTION DEADLINE~~

~~(a) Report. On or before January 15, 2021, the Executive Director of the Vermont Criminal Justice Training Council shall report to the Senate and~~

~~Committees on Government Operations regarding the Council:~~

~~(1) 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 (the Police Academy) with nonovernight training in other areas of the State, in accordance with 20 V.S.A. § 2355(b)(1) in Sec. 4 of this act, and~~

~~(2) changes in the structure of its programs to enable a law enforcement officer to transition from Level II to Level III certification as required by 20 V.S.A. § 2358(c)(2) in Sec. 5 of this act.~~

~~(b) Rules. On or before July 1, 2023, the Council shall finally adopt the rules regarding alternate routes to certification required by 20 V.S.A. § 2355(a)(1) in Sec. 4 of this act, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).~~

~~Sec. 6a. 20 V.S.A. § 2359 is added to read:~~

~~§ 2359. COUNCIL SERVICES CONTINGENT ON AGENCY COMPLIANCE~~

~~(a) On and after January 1, 2022, a law enforcement agency shall be prohibited from having its law enforcement applicants or officers trained by the Police Academy or from otherwise using the services of the Council if the agency is not in compliance with the requirements for collecting roadside stop data under section 2366 of this chapter or the requirement to adopt, follow, or enforce any policy required under this chapter.~~

~~(b) The Council shall adopt procedures to enforce the requirements of this section, which may allow for waivers for agencies under a plan to obtain compliance with this section.~~

~~Sec. 7. 20 V.S.A. § 2361 is amended to read:~~

~~§ 2361. ADDITIONAL TRAINING~~

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

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

Sec. 8. 20 V.S.A. § 2362a is amended to read:

*§ 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT
CURRENT OR FORMER AGENCY*

(a)(1) Prior to hiring a law enforcement officer who is no longer employed at his or her last law enforcement agency, the executive officer of a potential hiring law enforcement agency shall:

(A) require that officer to execute a written waiver that explicitly authorizes the officer's:

(i) current law enforcement agency employer to disclose its analysis of the officer's performance at that agency, if the officer is still employed at that agency; or

(ii) last law enforcement agency employer to disclose the reason that officer is no longer employed by that agency, if the officer is not currently employed at an agency; and

(B) contact that former agency to determine that reason obtain that disclosure and provide to that agency a copy of that written waiver.

(2) An officer who refuses to execute the written waiver shall not be hired by the potential hiring agency.

(b)(1)(A) If that current or former agency is a law enforcement agency in this State, the executive officer of that current or former agency or designee shall disclose to the potential hiring agency in writing its analysis of the officer's performance at that agency or the reason the officer is no longer employed by the former agency, as applicable.

(B) The executive officer or designee shall send a copy of the disclosure to the officer at the same time he or she sends it to the potential hiring agency.

(2) Such a current or former agency shall be immune from liability for its disclosure described in subdivision (1) of this subsection, unless such disclosure would constitute intentional misrepresentation or gross negligence.

** * **

Sec. 9. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE

The requirement of a current law enforcement agency to disclose its analysis of its law enforcement officer's performance at the agency as set forth in 20 V.S.A. § 2362a in Sec. 8 of this act shall not apply if there is a binding nondisclosure agreement prohibiting that disclosure that was executed prior to the effective date of that section.

~~Sec. 9. 20 V.S.A. § 2368 is added to read:~~

~~§ 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERAS~~

~~(a) On or before January 1, 2022, each law enforcement agency shall adopt, follow, and enforce the Model Body Worn Camera (BWC) Policy established by the Law Enforcement Advisory Board pursuant to 2016 Acts and Resolves No. 163, and each law enforcement officer shall comply with the provisions of that policy.~~

~~(b) The Council shall incorporate the provisions of this section into training it provides.~~

~~Sec. 10. 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), subchapter 2 is amended to read:~~

~~Subchapter 2. Unprofessional Conduct~~

~~§ 2401. DEFINITIONS~~

~~As used in this subchapter:~~

~~(1) "Category A conduct" means:~~

~~(A) A felony.~~

~~(B) A misdemeanor that is committed while on duty and did not involve the legitimate performance of duty.~~

~~(C) Any of the following misdemeanors, if committed off duty:~~

~~(i) simple assault, second offense;~~

~~(ii) domestic assault;~~

~~(iii) false reports and statements;~~

~~(iv) driving under the influence, second offense;~~

~~(v) violation of a relief from abuse order or of a condition of release;~~

~~(vi) stalking;~~

~~(vii) false pretenses;~~

~~(viii) voyeurism;~~

~~(ix) prostitution or soliciting prostitution;~~

~~(x) distribution of a regulated substance;~~

~~(xi) simple assault on a law enforcement officer; or~~

~~(xii) possession of a regulated substance, second offense.~~

~~(2) "Category B conduct" means gross professional misconduct amounting to actions on duty or under color of authority, or both, that involve willful failure to comply with a State-required policy or substantial deviation from professional conduct as defined by the law enforcement agency's policy or if not defined by the agency's policy, then as defined by Council policy, such as and shall include:~~

- ~~(A) sexual harassment involving physical contact or misuse of position;~~
- ~~(B) misuse of official position for personal or economic gain;~~
- ~~(C) excessive use of force under color of authority, second first offense;~~
- ~~(D) biased enforcement; or~~
- ~~(E) use of electronic criminal records database for personal, political, or economic gain.~~

~~§ 2403. LAW ENFORCEMENT AGENCIES, DUTY TO REPORT~~

~~(a)(1) The executive officer of a law enforcement agency or the chair of the agency's civilian review board shall report to the Council within 10 business days if any of the following occur in regard to a law enforcement officer of the agency:~~

- ~~(A) Category (A).
 - ~~(i) There is a finding of probable cause by a court that the officer committed Category A conduct.~~
 - ~~(ii) There is any decision or findings of fact or verdict regarding allegations that the officer committed Category A conduct, including a judicial decision and any appeal therefrom.~~~~
- ~~(B) Category B.
 - ~~(i) The agency receives a credible complaint against the officer that, if deemed credible by the executive officer of the agency as a result of a valid investigation, alleges that the officer committed Category B conduct.~~
 - ~~(ii) The agency receives or issues any of the following:
 - ~~(I) a report or findings of a valid investigation finding that the officer committed Category B conduct; or~~
 - ~~(II) any decision or findings, including findings of fact or verdict, regarding allegations that the officer committed Category B conduct,~~~~~~

~~including a hearing officer decision, arbitration, administrative decision, or judicial decision, and any appeal therefrom.~~

~~(C) Termination. The agency terminates the officer for Category A or Category B conduct.~~

~~(D) Resignation. The officer resigns from the agency while under investigation for unprofessional conduct.~~

~~(2) As part of his or her report, the executive officer of the agency or the chair of the civilian review board shall provide to the Council a copy of any relevant documents associated with the report, including any findings, decision, and the agency's investigative report.~~

~~(b) The Executive Director of the Council shall report to the Attorney General and the State's Attorney of jurisdiction any allegations that an officer committed Category A conduct.~~

~~§ 2403. LAW ENFORCEMENT AGENCIES, DUTY TO REPORT~~

~~(a)(1) The executive officer of a law enforcement agency or the chair of the agency's civilian review board shall report to the Council within 10 business days if any of the following occur in regard to a law enforcement officer of the agency:~~

~~(A) Category (A).~~

~~(i) There is a finding of probable cause by a court that the officer committed Category A conduct.~~

~~(ii) There is any decision or findings of fact or verdict regarding allegations that the officer committed Category A conduct, including a judicial decision and any appeal therefrom.~~

~~(B) Category B.~~

~~(i) The agency receives a credible complaint against the officer that, if deemed credible by the executive officer of the agency as a result of a valid investigation, alleges that the officer committed Category B conduct.~~

~~(ii) The agency receives or issues any of the following:~~

~~(I) a report or findings of a valid investigation finding that the officer committed Category B conduct; or~~

~~(II) any decision or findings, including findings of fact or verdict, regarding allegations that the officer committed Category B conduct, including a hearing officer decision, arbitration, administrative decision, or judicial decision, and any appeal therefrom.~~

~~(C) Termination. The agency terminates the officer for Category A or Category B conduct.~~

~~(D) Resignation. The officer resigns from the agency while under investigation for unprofessional conduct.~~

~~(2) As part of his or her report, the executive officer of the agency or the chair of the civilian review board shall provide to the Council a copy of any relevant documents associated with the report, including any findings, decision, and the agency's investigative report.~~

~~(b) The Council shall provide a copy of any report and the relevant documents provided with it to the Council Advisory Committee, which shall recommend any appropriate action to take in regard to a law enforcement officer who is the subject of that report.~~

~~(c) The Executive Director of the Council shall report to the Attorney General and the State's Attorney of jurisdiction any allegations that an officer committed Category A conduct.~~

~~* * *~~

~~Sec. 10a. LAW ENFORCEMENT RECOMMENDATIONS~~

~~In order to further the goal of defining law enforcement officers as community guardians, the following entities shall report to the Senate and House Committees on Government Operations on or before January 15, 2021 on their progress in regard to the following topics, including any recommendations for legislative action:~~

~~(1) Law enforcement officer qualifications.~~

~~(A) The Law Enforcement Advisory Board shall recommend universal standards for interviewing and hiring new law enforcement officers in order to recognize applicant qualities that are desirable and those that are not. The Board shall specifically recommend standards that should apply to officers in a supervisory role.~~
~~(B) The Criminal Justice Training Council (Council) shall consult with the Human Rights Commission, the American Civil Liberties Union, and other relevant organizations and individuals in reviewing law enforcement applicants' current written, oral, and psychological examinations for cultural sensitivities and overall appropriateness.~~

~~(2) Law enforcement officer training.~~

~~(A) The Council, in consultation with the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, the Human Rights Commission, the American Civil Liberties Union, and other relevant stakeholders, shall review the current requirements for basic and annual in-service training in order to determine whether appropriate training is provided.~~

~~in the areas of cultural awareness, implicit bias, de-escalation, and recognition of and appropriately responding to individuals with a mental condition, and whether that training is embedded into training on other policing policies such as traffic stops and searches.~~

~~(B) In consideration of its analysis in subdivision (A) of this subdivision (2), and in reviewing current training requirements and how that training is used in practice, the Council shall recommend any amendments to statutorily required training that may not be necessary for all officers.~~

~~(C) The Council, Law Enforcement Advisory Board, and Department of Public Safety shall consult with the Vermont League of Cities and Towns and other interested stakeholders to determine whether:~~

~~(i) the Council should be reestablished within a State agency or other oversight entity;~~

~~(ii) the Police Academy should be relocated to a different area of the State; and~~

~~(iii) there should be more flexibility in the residential and field training required of law enforcement applicants, including whether applicants should be able to satisfy some aspects of basic training through experiential learning.~~

~~(3) Models of civilian oversight. The Office of Attorney General shall consult with the Council, the Human Rights Commission, the Vermont League of Cities and Towns, and other interested parties to recommend one or more models of civilian oversight of law enforcement.~~

~~(4) Reporting allegations of law enforcement misconduct. The Office of Attorney General shall consult with the Council, the Human Rights Commission, the American Civil Liberties Union, and other interested parties in order to identify a central point for reporting allegations of law enforcement officer misconduct, which may be the Council or another entity, and how those allegations should be handled.~~

~~(5) Access to complaint information. The Council Advisory Committee shall consult with the Secretary of State, the Human Rights Commission, the American Civil Liberties Union, and other interested parties in reviewing public access to records related to allegations of law enforcement officer misconduct and substantiations of those allegations in order to recommend any changes to current practice.~~

~~(6) Body cameras.~~

~~(1)(i) The Law Enforcement Advisory Board shall report any changes it deems necessary to the Model Body Worn Camera (BWC) Policy that it established pursuant to 2016 Acts and Resolves No. 163.~~

~~(ii) After consulting with the Secretary of State, the Human Rights Commission, the American Civil Liberties Union, and other interested parties, the Board shall specifically recommend policies for responding to public records requests for body camera footage, including any recommended timelines to respond, how and what footage should be redacted, length of footage retention, and storage.~~

~~(B) The Department of Public Safety shall consult with the Law Enforcement Advisory Board to investigate the possibility of a statewide group purchasing contract for law enforcement body cameras and of central storage locations. If the Department recommends such a group, it shall detail its recommended structure and operation.~~

~~(7) Military equipment. After an opportunity for community involvement and feedback, the Law Enforcement Advisory Board shall recommend a statewide policy on law enforcement officers' use of military equipment.~~

~~*** Vermont Crime Information Center ***~~

~~Sec. 11. 20 V.S.A. § 2053 is amended to read:~~

~~§ 2053. COOPERATION WITH OTHER AGENCIES~~

~~(a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and agencies, municipal police departments, sheriffs, and other law enforcement officers in this ~~state~~ State and with federal and international law enforcement agencies to develop and carry on a uniform and complete ~~state~~ State, interstate, national, and international system of records of ~~criminal activities~~ commission of crimes and information.~~

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

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

~~*** Law Enforcement Advisory Board ***~~

~~Sec. 12. LEAB; REPEAL FOR RECODIFICATION~~

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

~~Sec. 13. 20 V.S.A. § 1818 is added to read:~~

~~§ 1818. LAW ENFORCEMENT ADVISORY BOARD~~

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

~~(1) the Commissioner of Public Safety;~~

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

~~(3) the Director of the Enforcement Division of the Department of Fish and Wildlife;~~

~~(4) the Director of the Enforcement and Safety Division of the Department of Motor Vehicles;~~

~~(5) the Chief of the Capitol Police Department;~~

~~(6) the Director of the Vermont Criminal Justice Services Division;~~

~~(7) a member of the Chiefs of Police Association of Vermont, appointed by the President of the Association;~~

~~(8) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;~~

~~(9) a representative of the Vermont League of Cities and Towns, appointed by the Executive Director of the League;~~

~~(10) a member of the Vermont Police Association, appointed by the President of the Association;~~

~~(11) the Attorney General or designee;~~

~~(12) a State's Attorney appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;~~

~~(13) the U.S. Attorney or designee;~~

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

~~(15) the Defender General or designee;~~

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

~~(17) a member of the Vermont Constables Association, appointed by the President of the Association; and~~

~~(18) a law enforcement officer, appointed by the President of the Vermont State Employees Association.~~

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

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

~~(d)(1) The Board shall meet not fewer than six times a year to develop policies and recommendations for law enforcement priority needs, including retirement benefits, recruitment of officers, training, homeland security issues, dispatching, and comprehensive drug enforcement.~~

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

Sec. 14. LEAB; RECODIFICATION DIRECTIVE

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

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

~~Sec. 15. LEAD, 2021 REPORT ON MUNICIPAL ACCESS TO LAW
ENFORCEMENT SERVICES~~

~~As part of its annual report in the year 2021, the Law Enforcement Advisory Board shall specifically recommend ways that towns can increase access to law enforcement services.~~

~~* * * Department of Public Safety; Dispatch * * *~~

~~Sec. 16. 20 V.S.A. chapter 113 (Commissioner and Members), subchapter 1 is amended to read:~~

~~Subchapter 1. General Provisions~~

~~§ 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER~~

~~(a) The department of public safety Department of Public Safety, created by 3 V.S.A. § 212, shall include a commissioner of public safety Commissioner of Public Safety.~~

~~(b) The head of the department Department shall be a commissioner of public safety the Commissioner of Public Safety, who shall be a citizen of the United States and shall be selected on the basis of training, experience and qualifications. The commissioner Commissioner shall be appointed by the governor Governor, with the advice and consent of the senate, for a term of six years Senate.~~

~~* * *~~

~~(i) The commissioner of public safety Commissioner of Public Safety may enter into contractual arrangements to perform dispatching functions for state State, municipal, or other emergency services, establishing charges sufficient to recover the costs of dispatching. Dispatch positions which that are fully funded under such contracts may be authorized under the provisions of 32 V.S.A. § 5(b). The Commissioner shall adopt rules that set forth the rates for dispatch functions performed under this subsection.~~

~~(j) Charges collected under subsections (e), (f), and (i) of this section shall be credited to the Vermont law telecommunications special fund Law Telecommunications Special Fund and shall be available to the department Department to offset the costs of providing the services.~~

~~* * *~~

~~§ 1873. REMOVAL OF COMMISSIONER~~

~~During his or her term of office, the governor may remove the commissioner upon charges preferred in writing and after hearing, which shall be a public hearing if the commissioner requests the same, upon the following grounds:~~

~~(1) Incompetency amounting to failure to perform his or her official duties competently;~~

~~(2) Misconduct in office which shall be construed to include:~~

~~(a) failure to be of good behavior;~~

~~(b) participation, directly or indirectly, in a political campaign, rally, caucus or other political gathering, other than to vote. [Repealed.]~~

* * *

~~§ 1875. RADIO COMMUNICATION SYSTEM~~

~~(a) The ~~commissioner~~ Commissioner shall establish a communication system as will best enable the ~~department~~ Department to carry out the purposes of this chapter. This shall include a radio set furnished, on written request, to the sheriff and ~~state's attorney~~ State's Attorney of each county on a memorandum receipt.~~

~~(b)(1) The ~~commissioner~~ Commissioner may charge to all users of telecommunications services managed, maintained, or operated by the ~~department~~ Department for the benefit of the users a proportionate share of the actual cost of providing the services and products inclusive of administrative costs.~~

~~(2) Such charges shall be based on a pro rata allocation of the actual costs of services or products, determined in an equitable manner, which shall be representative of services provided to or system usage by individual units of government, including ~~state~~ State, local, and federal agencies or private nonprofit entities.~~

~~(3) Such charges shall be credited to the Vermont ~~communication system special fund~~ Law Telecommunications Special Fund and shall be available to the ~~department~~ Department to offset the costs of providing the services.~~

~~Sec. 17. DEPARTMENT OF PUBLIC SAFETY; DISPATCH RULES;
ADOPTION AND APPLICATION~~

~~The Department of Public Safety shall finally adopt the rules regarding dispatch rates required by 20 V.S.A. § 1871(i) set forth in Sec. 16 of this act on or before July 1, 2021, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c). These rules shall provide a minimum of three years following final adoption before the dispatch rates set forth in the rules are imposed.~~

~~*** Emergency Medical Services ***~~

~~Sec. 18. 24 V.S.A. chapter 71 is amended to read:~~

~~CHAPTER 71. AMBULANCE SERVICES~~

~~Subchapter 1. Emergency Medical Services Districts~~

~~§ 2651. DEFINITIONS~~

~~As used in this chapter:~~

~~***~~

~~(14) "State Board" means the State Board of Health. [Repealed.]~~

~~***~~

~~§ 2652. CREATION OF DISTRICTS~~

~~The State Board Department of Health may divide the State into emergency medical services districts, the number, size, and boundaries of which shall be determined by the Board Department in the interest of affording adequate and efficient emergency medical services throughout the State.~~

~~***~~

~~§ 2654. RECORDING DETERMINATION OF DISTRICTS~~

~~The State Board Department of Health shall cause to be recorded in the office of the Secretary of State a certificate containing its determination of emergency medical services districts.~~

~~***~~

~~§ 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS~~

~~(a) The board of directors shall have full power to manage, control, and supervise the conduct of the district and to exercise in the name of the district all powers and functions belonging to the district, subject to such laws or regulations rules as may be applicable.~~

~~***~~

~~§ 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL SERVICES DISTRICTS~~

~~(a) It shall be the function of each emergency medical services district to foster and coordinate emergency medical services within the district, in the interest of affording adequate ambulance services within the district. Each emergency medical services district shall have powers that include the power~~

~~to.~~

* * *

(6) monitor the provision of emergency medical services within the district and make recommendations to the ~~State Board~~ Department of Health regarding licensure, relicensure, and removal or suspension of licensure for ambulance vehicles, ambulance services, and first responder services;

* * *

(b) Two or more contiguous emergency medical services districts by a majority vote of the district board in each of the districts concerned may change the mutual boundaries of their emergency medical services districts. The district boards shall report all changes in district boundaries to the ~~State Board~~ Department of Health.

* * *

Subchapter 2. Licensing Operation of Affiliated Agencies

§ 2681. LICENSE REQUIRED; ~~AMBULANCE LICENSE REQUIREMENT~~

(a) A person furnishing ambulance services or first responder services shall obtain a license to furnish services under this subchapter.

(b)(1) In order to obtain and maintain a license, an ambulance service shall be required to provide its services in a manner that does not discriminate on the basis of income, funding source, or severity of health needs, in order to ensure access to ambulance services within the licensee's service area.

(2) The Department of Health shall adopt rules in accordance with the provisions of subdivision (1) of this subsection.

§ 2682. ~~POWERS OF STATE BOARD~~ THE DEPARTMENT OF HEALTH

(a) The ~~State Board~~ Department of Health shall administer this subchapter and shall have power to:

* * *

§ 2683. TERM OF LICENSE

Full licenses shall be issued on forms to be prescribed by the ~~State Board~~ Department of Health for a period of three years beginning on January 1, or for the balance of any such three-year period. Temporary, conditional, or provisional licenses may also be issued by the ~~Board~~ Department.

* * *

~~Sec. 19. 18 V.S.A. § 9405 is amended to read:~~

~~§ 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE ALLOCATION PLAN~~

~~* * *~~

~~(b) The Green Mountain Care Board, in consultation with the Secretary of Human Services or designee, shall publish on its website the Health Resource Allocation Plan identifying Vermont's critical health needs, goods, services, and resources, which shall be used to inform the Board's regulatory processes, cost containment and statewide quality of care efforts, health care payment and delivery system reform initiatives, and any allocation of health resources within the State. The Plan shall identify Vermont residents' needs for health care services, programs, and facilities; the resources available and the additional resources that would be required to realistically meet those needs and to make access to those services, programs, and facilities affordable for consumers; and the priorities for addressing those needs on a statewide basis. The Board may expand the Plan to include resources, needs, and priorities related to the social determinants of health. The Plan shall be revised periodically, but not less frequently than once every four years.~~

~~(1) In developing the Plan, the Board shall:~~

~~(A) consider the principles in section 9371 of this title, as well as the purposes enumerated in sections 9401 and 9431 of this title;~~

~~(B) identify priorities using information from:~~

~~(i) the State Health Improvement Plan;~~

~~(ii) emergency medical services resources and needs identified by the EMS Advisory Committee in accordance with subsection 909(f) of this title;~~

~~(iii) the community health needs assessments required by section 9405a of this title;~~

~~(iii)(iv) available health care workforce information;~~

~~(iv)(v) materials provided to the Board through its other regulatory processes, including hospital budget review, oversight of accountable care organizations, issuance and denial of certificates of need, and health insurance rate review; and~~

~~(v)(vi) the public input process set forth in this section;~~

~~(C) use existing data sources to identify and analyze the gaps between the supply of health resources and the health needs of Vermont residents and to identify utilization trends to determine areas of~~

~~utilization and overutilization, and~~

~~(D) consider the cost impacts of fulfilling any gaps between the supply of health resources and the health needs of Vermont residents.~~

~~***~~

~~Sec. 20. 18 V.S.A. chapter 17 is amended to read:~~

~~CHAPTER 17. EMERGENCY MEDICAL SERVICES~~

~~***~~

~~§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY MEDICAL SERVICES~~

~~Notwithstanding any other provision of law, including provisions of 26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and licensed to provide emergency medical treatment pursuant to the requirements of this chapter and the rules adopted under it are hereby authorized to provide such care without further certification, registration, or licensing.~~

~~***~~

~~§ 904. ADMINISTRATIVE PROVISIONS~~

~~(a) In order to carry out the purposes and responsibilities of this chapter, the Department of Health may contract for the provision of specific services.~~

~~(b) The Secretary of Human Services, upon the recommendation of the Commissioner of Health, may issue adopt rules to carry out the purposes and responsibilities of this chapter.~~

~~***~~

~~§ 906. EMERGENCY MEDICAL SERVICES DIVISION; RESPONSIBILITIES~~

~~To implement the policy of section 901 of this chapter, the Department of Health shall be responsible for:~~

~~(1) Developing and implementing minimum standards for training emergency medical personnel in basic life support and advanced life support, and licensing emergency medical personnel according to their level of training and competence. The Department shall establish by rule at least three levels of emergency medical personnel instructors and the education required for each level.~~

~~(7) Assisting hospitals in the development of programs which that will improve the quality of in-hospital services for persons requiring emergency medical care treatment.~~

~~***~~

~~(9) Establishing requirements for the collection of data by emergency medical personnel and hospitals as may be necessary to evaluate emergency medical care treatment.~~

~~(10) Establishing, by rule, license levels for emergency medical personnel. The Commissioner shall use the guidelines established by the National Highway Traffic Safety Administration (NHTSA) in the U.S. Department of Transportation as a standard or other comparable standards, except that a felony conviction shall not necessarily disqualify an applicant. The rules shall also provide that:~~

~~***~~

~~(B) An individual licensed by the Commissioner as an emergency medical technician, advanced emergency medical technician, or a paramedic, who is affiliated with an affiliated agency, shall be able to practice fully within the scope of practice for such level of licensure as defined by NHTSA's National EMS Scope of Practice Model consistent with the license level of the affiliated agency, and subject to the medical direction of the emergency medical services district medical advisor.~~

~~(C)(i) Unless otherwise provided under this section, an individual seeking any level of licensure shall be required to pass an examination approved by the Commissioner for that level of licensure, except that any psychomotor skills testing for emergency medical responder; or emergency medical technician licensure shall be accomplished either by the demonstration of those skills competencies as part of the education required for that license level as approved by the Department or by the National Registry of Emergency Medical Technicians' psychomotor examination.~~

~~(ii) Written and practical examinations shall not be required for relicensure; however, to maintain licensure, all individuals shall complete a specified number of hours of continuing education as established by rule by the Commissioner. The Commissioner shall ensure that continuing education classes are available online and provided on a regional basis to accommodate the needs of volunteers and part-time individuals, including those in rural areas of the State.~~

~~(E) An applicant who has served as a hospital corpsman or a medic in the U.S. Armed Forces, or who is licensed as a registered nurse or a physician assistant shall be granted a permanent waiver of the training requirements to become a licensed emergency medical technician, an advanced emergency medical technician, or a paramedic, provided the applicant passes the applicable examination approved by the Commissioner for that level of licensure and is affiliated with an affiliated agency.~~

~~(F) An applicant who is registered on the National Registry of Emergency Medical Technicians as an emergency medical technician, an advanced emergency medical technician, or a paramedic shall be granted licensure as a Vermont emergency medical technician, an advanced emergency medical technician, or a paramedic without the need for further testing, provided he or she is affiliated with an affiliated agency or is serving as a medic with the Vermont National Guard.~~

~~***~~

~~(11) In addition to the licenses established under subdivision (10) of this section, the Department shall establish by rule an entry-level certification for Vermont EMS first responders.~~

~~***~~

~~§ 906b. TRANSITIONAL PROVISION; CERTIFICATION TO LICENSURE~~

~~Every person certified as an emergency medical provider shall have his or her certification converted to the comparable level of licensure. Until such time as the Department of Health issues licenses in lieu of certificates, each certified emergency medical provider shall have the right to practice in accordance with his or her level of certification. [Repealed.]~~

~~***~~

~~§ 906d. RENEWAL REQUIREMENTS; SUNSET REVIEW~~

~~(a) Not less than once every five years, the Department shall review emergency medical personnel continuing education and other continuing competency requirements. The review results shall be in writing and address the following:~~

~~(1) the renewal requirements of the profession;~~

~~(2) the renewal requirements in other jurisdictions, particularly in the Northeast region;~~

~~(3) the cost of the renewal requirements for emergency medical personnel; and~~

~~(1) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection.~~

~~(b) The Department shall amend its rules or propose any necessary statutory amendments to revise any emergency medical personnel continuing education and other continuing competency requirements that are not necessary for the protection of the public health, safety, or welfare.~~

~~***~~

~~§ 909. EMS ADVISORY COMMITTEE; EMS EDUCATION COUNCIL~~

~~(a) The Commissioner shall establish the Emergency Medical Services Advisory Committee to advise on matters relating to the delivery of emergency medical services (EMS) in Vermont.~~

~~***~~

~~(e) Annually, on or before January 1, the Committee shall report on the EMS system to the House Committees on Government Operations, on Commerce and Economic Development, and on Human Services and to the Senate Committees on Government Operations, on Economic Development, Housing and General Affairs, and on Health and Welfare. The Committee's reports shall include information on the following:~~

~~***~~

~~(6) the nature and costs of dispatch services for EMS providers throughout the State, including the annual number of mutual aid calls to an emergency medical service area that come from outside that area, and suggestions for improvement;~~

~~***~~

~~(f) In addition to its report set forth in subsection (e) of this section, the Committee shall identify EMS resources and needs in each EMS district and provide that information to the Green Mountain Care Board to inform the Board's periodic revisions to the Health Resource Allocation Plan developed pursuant to subsection 9405(b) of this title.~~

~~(g) The Committee shall establish from among its members the EMS Education Council, which may:~~

~~(1) sponsor training and education programs required for emergency medical personnel licensure in accordance with the Department of Health's required standards for that training and education; and~~

~~(2) provide advice to the Department of Health regarding the standards for emergency medical personnel licensure and any recommendations for~~

~~to those standards.~~

~~Sec. 21. 32 V.S.A. § 8557 is amended to read:~~

~~§ 8557. VERMONT FIRE SERVICE TRAINING COUNCIL~~

~~(a)(1). Sums for the expenses of the operation of training facilities and curriculum of the Vermont Fire Service Training Council not to exceed \$1,200,000.00 per year shall be paid to the Fire Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the State of Vermont within 30 days after notice from the Commissioner of Financial Regulation of such estimated expenses. Captive companies shall be excluded from the effect of this section.~~

~~* * *~~

~~(4) An amount not less than \$150,000.00 shall be specifically allocated to the Emergency Medical Services Special Fund established under 18 V.S.A. § 908 for the provision of training programs for certified Vermont EMS first responders and licensed emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.~~

~~* * *~~

~~Sec. 22. TRANSITIONAL EMS PROVISIONS~~

~~(a) Rules. Except as otherwise provided in this act, on or before July 1, 2021, the Department of Health shall finally adopt or amend the rules required by this act, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).~~

~~(b) Ambulance service licenses. The requirements for initial ambulance service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 18 of this act shall apply to initial ambulance service license and renewal applicants on and after July 1, 2021 or on and after the effective date of the Department of Health rules adopted pursuant to that section and subsection (a) of this section, whichever date is later.~~

~~(c) Existing EMS Instructor/Coordinator licensees. Any person who is licensed as an EMS Instructor/Coordinator under the Department of Health's Emergency Medical Service Rules in effect immediately prior to the effective date of the rules establishing the new levels of instructor licenses as required by 18 V.S.A. § 906(1) in Sec. 20 of this act shall be deemed to be licensed at the level that is consistent with the scope of practice of the new license levels.~~

~~(d) Development of Vermont EMS First Responder certification. The Department of Health shall consult with the EMS Advisory Committee, the University of Vermont's Initiative for Rural Emergency Medical Services, and any other relevant stakeholders in developing the new Vermont EMS First Responder certification required by 18 V.S.A. § 906(11) in Sec. 20 of this act so that certification is established on or before July 1, 2021.~~

~~(e) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 906d (renewal requirements; sunset review) set forth in Sec. 20 this act, the Department of Health shall conduct its first sunset review in conjunction with its rulemaking required by this act and thereafter propose any necessary statutory amendments in accordance with that section.~~

~~** Public Safety Planning **~~

~~Sec. 23. 20 V.S.A. § 6 is amended to read:~~

~~§ 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT;
TOWN AND CITY PUBLIC SAFETY PLANS~~

~~(a) Each town and city of this ~~state~~ State is hereby authorized and directed to establish a local organization for emergency management in accordance with the ~~state emergency management plan~~ State Emergency Management Plan and program.~~

~~(1)(A) Except in a town that has a town manager in accordance with ~~chapter 37 of Title 24 V.S.A. chapter 37~~, the executive officer or legislative branch of the town or city is authorized to appoint a town or city emergency management director who shall have direct responsibility for the organization, administration, and coordination of the local organization for emergency management, subject to the direction and control of the executive officer or legislative branch.~~

~~(B) If the town or city that has not adopted the town manager form of government and the executive officer or legislative branch of the town or city has not appointed an emergency management director, the executive officer or legislative branch shall be the town or city emergency management director.~~

~~(2) The town or city emergency management director may appoint an emergency management coordinator and other staff as necessary to accomplish the purposes of this chapter.~~

~~(b) Except as provided in subsection (d) of this section, each local organization for emergency management shall perform emergency management functions within the territorial limits of the town or city within which it is organized, and, in addition, shall conduct such functions outside of the territorial limits as may be required pursuant to the provisions of this~~

~~and in accord accordance with such regulations as the governor Governor may prescribe.~~

~~(c) Each local organization shall participate in the development of an all-hazards plan with the local emergency planning committee and the public safety district.~~

~~(d)(1) Each local organization shall annually notify the local emergency planning committee on forms provided by the state emergency response commission State Emergency Response Commission of its capacity to perform emergency functions in response to an all-hazards incident.~~

~~(2) Each local organization shall perform the emergency functions indicated on the most recently submitted form in response to an all-hazards incident.~~

~~(e) Each town and city legislative body shall adopt a public safety plan in accordance with this subsection that describes how the town or city will address the regular law enforcement, fire, emergency medical service, and dispatch resources, needs, scarcities, costs, and problems within the municipality unrelated to an all-hazards incident, which may include partnering with one or more other municipalities or entities to address those issues.~~

~~(1) Concurrently with its annual notification required under subsection (d) of this section, each local organization shall analyze the law enforcement, fire, emergency medical service, and dispatch resources, needs, scarcities, costs, and problems within the municipality and report that information to its legislative body.~~

~~(2) After receipt of that information, the legislative body:~~

~~(A) shall solicit and accept public comment on the current public safety plan;~~

~~(B) may consult with the municipal and regional planning commission, neighboring local organizations, and any other relevant law enforcement, fire, and emergency medical service entities in order to determine how those services may be provided and shared on a regional basis;~~

~~(C) shall propose any revisions to the current public safety plan that the legislative body deems necessary, and in that case, shall provide public notice of those proposed revisions and hold at least one public hearing on those proposed revisions not less than 30 days after the public notice of them; and~~

~~(D) shall finally adopt any revisions to the current public safety plan~~

~~Sec. 24. TRANSITIONAL PROVISION, INITIAL PUBLIC SAFETY PLAN~~

~~Each town and city shall undertake the process to adopt a public safety plan as set forth in Sec. 23 of this act so that every town and city has adopted such a plan on or before July 1, 2023.~~

~~Sec. 25. AGENCY OF COMMERCE AND COMMUNITY~~

~~DEVELOPMENT; REGIONAL PLANNING COMMISSIONS;
PUBLIC SAFETY PLANNING GRANTS~~

~~(a) Appropriation. The sum of \$100,000.00 is appropriated to the Agency of Commerce and Community Development in fiscal year 2021 for three public safety planning grants described in subsection (b) of this section. The Agency shall award the grants in accordance with its procedure established under the Vermont Community Development Act.~~

~~(b) Public safety planning grants.~~

~~(1) Public safety planning grants are created for the purpose of fostering regional public safety planning.~~

~~(2) A regional organization, such as a regional planning commission, union municipal district, joint survey committee, or other qualified organization may apply to the Agency for a public safety planning grant for the purpose of planning the integration, consolidation, or regionalization of public safety functions within the organization's jurisdiction. A grant shall be for a maximum of three years and shall not exceed \$35,000.00, and shall be provided to grantees in different geographic regions of the State.~~

~~(3) A grantee shall be required to report annually on or before January 15 to the Senate and House Committees on Government Operations and on Appropriations regarding its planning process and expected result. Each report shall specifically provide data on and analyze the potential costs and savings of regional consolidation of public safety functions.~~

~~(4) As used in this section:~~

~~(A)(i) "Planning" means hiring personnel or contracting for services to determine the feasibility of or to establish the procedure to implement, or both, the integration, consolidation, or regionalization of public safety functions.~~

~~(ii) "Planning" does not mean implementing such integration, consolidation, or regionalization.~~

~~(B) "Public safety functions" means fire, police, emergency medical services, and dispatching services.~~

~~Sec. 25. [Deleted.]~~

~~*** Effective Date ***~~

~~Sec. 26. EFFECTIVE DATE~~

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

~~*** Vermont Criminal Justice Council ***~~

~~Sec. 1. 20 V.S.A. chapter 151 is redesignated to read:~~

~~CHAPTER 151. VERMONT CRIMINAL JUSTICE TRAINING COUNCIL~~

~~Sec. 2. VERMONT CRIMINAL JUSTICE COUNCIL; PURPOSE;
CONFORMING REVISIONS~~

~~(a) In order to fully reflect all of its powers and duties, which relate to training, certifying, and professionally regulating law enforcement officers, the Vermont Criminal Justice Training Council is renamed the Vermont Criminal Justice Council.~~

~~(b) When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Counsel shall replace "Vermont Criminal Justice Training Council" with "Vermont Criminal Justice Council," provided that those revisions have no other effect on the meaning of the affected statutes.~~

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

~~§ 2351. CREATION AND PURPOSE OF COUNCIL~~

~~(a) In order to promote and protect the health, safety, and welfare of the public, it is in the public interest to provide for the creation of the Vermont Criminal Justice Training Council.~~

~~(b) The Council is created to:~~

~~(1) 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~~ basic training for law enforcement applicants and in-service training for law enforcement officers; and~~

~~(2) maintain statewide standards of law enforcement officer professional conduct by accepting and tracking complaints alleging officer unprofessional conduct, adjudicating charges of unprofessional conduct, and imposing sanctions on the certification of an officer who the Council finds has committed unprofessional conduct.~~

~~(c) The Council shall offer and approve continuing programs of instruction in up-to-date methods of law enforcement and the administration of criminal justice.~~

(d) It is the responsibility of the Council to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities.

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

§ 2352. COUNCIL MEMBERSHIP

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

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

(B) the Attorney General;

(C) the Executive Director of the Department of State's Attorneys and Sheriffs;

(D) the Executive Director of Racial Equity;

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

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

~~(E)(G)~~ five additional members appointed by the Governor:

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

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

(H) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;

(I) a law enforcement officer, appointed by the President of the Vermont State Employees Association;

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

(K) an individual appointed by the Executive Director of the Center for Crime Victim Services;

(L) an individual appointed by the Executive Director of the Human Rights Commission;

(M) an individual appointed by the Executive Director of the Vermont Network Against Domestic and Sexual Violence; and

(N) seven public members, appointed by the Governor; who shall not be law enforcement officers or have a spouse, parent, child, or sibling who is a law enforcement officer; current legislators, or otherwise be employed in the criminal justice system.

(i) At least one of these members shall be a mental health crisis worker.

(ii) At least one of these members shall be an individual with a lived experience of a mental health condition or psychiatric disability.

(iii) At least two of these members shall be chosen from among persons nominated by the Vermont chapters of the NAACP, and each of these members shall represent a different Vermont NAACP chapter. In order to assist the Governor in making these appointments, each Vermont chapter of the NAACP shall nominate at least three individuals for these gubernatorial appointments.

(2) A member's term shall be three years.

(3) The Governor shall appoint the Chair of the Council from among the members set forth in subdivisions (1)(D) and (K)–(N) of this subsection.

* * *

(c) The members of the Council shall be entitled to receive ~~no~~ per diem compensation for their services but shall be allowed their actual and necessary and reimbursement of expenses incurred in the performance of their duties as permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.

* * *

Sec. 5. TRANSITIONAL PROVISION TO ADDRESS NEW COUNCIL MEMBERSHIP

(a) Any existing member of the Vermont Criminal Justice Council who will serve on the Council under its new membership as set forth in Sec. 4 of this act may serve the remainder of his or her term in effect immediately prior to the effective date of Sec. 4.

(b) The new membership of the Council shall be appointed on or before December 1, 2020.

Sec. 6. 20 V.S.A. § 2355 is amended to read:

§ 2355. COUNCIL POWERS AND DUTIES

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

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

* * *

(b)(1) The Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The Council shall offer courses of instruction for law enforcement officers in different areas of the State and shall strive to offer nonovernight courses whenever possible.

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

* * *

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) Level I certification.

* * *

(2) Level II certification.

* * *

(3) Level III certification.

* * *

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

(2) The Council shall structure its programs so that on and after July 1, 2021, a Level II certified officer may use portfolio experiential learning or College Level Examination Program (CLEP) testing in order to transition to Level III certification, without such an officer needing to restart the certification process.

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

* * *

*Sec. 8. COUNCIL; REPORT ON CHANGES IN TRAINING OPTIONS;
RULE ADOPTION DEADLINE*

(a) Report. On or before January 15, 2021, the Executive Director of the Vermont Criminal Justice Council shall provide a verbal progress report to the Senate and House Committees on Government Operations regarding the Council's:

(1) 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 (the Police Academy), including its 16-week residential basic training, with nonovernight training and training in other areas of the State, in accordance with 20 V.S.A. § 2355(b)(1) in Sec. 6 of this act, and shall specifically address any plans it has to offer training by remote means; and

(2) changes in the structure of its programs to enable a law enforcement officer to transition from Level II to Level III certification as required by 20 V.S.A. § 2358(c)(2) in Sec. 7 of this act.

(b) Rules. On or before July 1, 2023, the Council shall finally adopt the rules regarding alternate routes to certification required by 20 V.S.A. § 2355(a)(1) in Sec. 6 of this act, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

Sec. 8a. COUNCIL; REPORT ON RESOURCES NEEDED TO OPERATE

On or before January 15, 2021, the Executive Director of the Vermont Criminal Justice Council shall report to the House and Senate Committees on Appropriations and on Government Operations specifying the resources the Council needs to fully operate as set forth in law, including the resources it needs to implement the provisions of this act. The Executive Director shall specifically detail in this report any additional appropriations or positions it needs to fully operate and provide a narrative to explain the basis for those needs.

Sec. 9. 20 V.S.A. § 2359 is added to read:

§ 2359. COUNCIL SERVICES CONTINGENT ON AGENCY
COMPLIANCE

(a) On and after January 1, 2022, a law enforcement agency shall be prohibited from having its law enforcement applicants or officers trained by the Police Academy or from otherwise using the services of the Council if the agency is not in compliance with the requirements for collecting roadside stop data under section 2366 of this chapter, the requirement to report to the Office of Attorney General death or serious bodily injuries under 18 V.S.A. § 7257a(b), or the requirement to adopt, follow, or enforce any policy required under this chapter.

(b) The Council shall adopt procedures to enforce the requirements of this section, which may allow for waivers for agencies under a plan to obtain compliance with this section.

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

§ 2361. ADDITIONAL TRAINING

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

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

Sec. 11. 20 V.S.A. § 2362a is amended to read:

§ 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT
CURRENT OR FORMER AGENCY

(a)(1) Prior to hiring a law enforcement officer who is no longer employed at his or her last law enforcement agency, the executive officer of a potential hiring law enforcement agency shall:

(A) require that officer to execute a written waiver that explicitly authorizes the officer's:

(i) current law enforcement agency employer to disclose its analysis of the officer's performance at that agency, if the officer is still employed at that agency; or

(ii) last law enforcement agency employer to disclose the reason that officer is no longer employed by that agency, if the officer is not currently employed at an agency; and

(B) contact that former agency to determine that reason obtain that disclosure and provide to that agency a copy of that written waiver.

(2) An officer who refuses to execute the written waiver shall not be hired by the potential hiring agency.

(b)(1)(A) If that current or former agency is a law enforcement agency in this State, the executive officer of that current or former agency or designee shall disclose to the potential hiring agency in writing its analysis of the officer's performance at that agency or the reason the officer is no longer employed by the former agency, as applicable.

(B) The executive officer or designee shall send a copy of the disclosure to the officer at the same time he or she sends it to the potential hiring agency.

(2) Such a current or former agency shall be immune from liability for its disclosure described in subdivision (1) of this subsection, unless such disclosure would constitute intentional misrepresentation or gross negligence.

(c) A potential hiring agency that receives a disclosure under subsection (b) of this section shall keep the contents of that disclosure confidential.

(d) A collective bargaining agreement between a law enforcement agency and the exclusive representative or bargaining agent of the law enforcement officers employed by that agency shall not include a prohibition on the exchange of information between the employing agency and another agency about an officer's performance at the employing agency.

Sec. 12. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE

(a) The requirement of a current law enforcement agency to disclose its analysis of its law enforcement officer's performance at the agency as set forth in 20 V.S.A. § 2362a(a) and (b) in Sec. 11 of this act shall not apply if there is a binding nondisclosure agreement prohibiting that disclosure that was executed prior to the effective date of that section.

(b) The provisions in Sec. 11, in 20 V.S.A. § 2362a(d), that prohibit a collective bargaining agreement from including a prohibition on the exchange of information between law enforcement agencies about the performance of a law enforcement officer shall not apply to any collective bargaining agreement that took effect prior to the effective date of that section, but shall apply upon the expiration or termination of such an agreement and shall apply to any

collective bargaining agreement that takes effect on or after the effective date of that section.

Sec. 13. 20 V.S.A. § 2368 is added to read:

§ 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERA POLICY

(a)(1) On and after January 1, 2022, each law enforcement agency that authorizes its law enforcement officers to use body cameras shall adopt, follow, and enforce a model body camera policy established by the Council, and each law enforcement officer who uses a body camera shall comply with the provisions of that policy.

(2) Until the date set forth in subdivision (1) of this subsection, each law enforcement agency that authorizes its law enforcement officers to use body cameras shall adopt, follow, and enforce the Model Body Worn Camera (BWC) Policy established by the Law Enforcement Advisory Board pursuant to 2016 Acts and Resolves No. 163, and each law enforcement officer who uses a body camera shall comply with the provisions of that policy.

(b) The Council shall incorporate the provisions of this section into training it provides.

Sec. 14. MORATORIUM ON FACIAL RECOGNITION TECHNOLOGY

(a) Until the use of facial recognition technology by law enforcement officers is authorized by an enactment of the General Assembly, a law enforcement officer shall not use facial recognition technology or information acquired through the use of facial recognition technology unless the use would be permitted with respect to drones under 20 V.S.A. § 4622 (law enforcement use of drones).

(b) As used in this section:

(1) “Facial recognition” means:

(A) the automated or semi-automated process that identifies or attempts to identify a person based on the characteristics of the person’s face, including identification of known or unknown persons or groups; or

(B) the automated or semiautomated process by which the characteristics of a person’s face are analyzed to determine the person’s sentiment, state of mind, or other propensities, including the person’s level of dangerousness.

(2) “Facial recognition technology” means any computer software or application that performs facial recognition.

(3) "Law enforcement officer" has the same meaning as in 20 V.S.A. § 2351a.

Sec. 15. 20 V.S.A. chapter 151 (Vermont Criminal Justice Council), subchapter 2 is amended to read:

Subchapter 2. Unprofessional Conduct

* * *

§ 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

(a)(1) The executive officer of a law enforcement agency or the chair of the agency's civilian review board shall report to the Council within 10 business days if any of the following occur in regard to a law enforcement officer of the agency:

(A) Category ~~(A)~~.

(i) There is a finding of probable cause by a court that the officer committed Category A conduct.

(ii) There is any decision or findings of fact or verdict regarding allegations that the officer committed Category A conduct, including a judicial decision and any appeal therefrom.

(B) Category B.

(i) The agency receives a credible complaint against the officer that, ~~if deemed credible by the executive officer of the agency as a result of a valid investigation,~~ alleges that the officer committed Category B conduct.

(ii) The agency receives or issues any of the following:

(I) a report or findings of a valid investigation finding that the officer committed Category B conduct; or

(II) any decision or findings, including findings of fact or verdict, regarding allegations that the officer committed Category B conduct, including a hearing officer decision, arbitration, administrative decision, or judicial decision, and any appeal therefrom.

(C) Termination. The agency terminates the officer for Category A or Category B conduct.

(D) Resignation. The officer resigns from the agency while under investigation for unprofessional conduct.

(2) As part of his or her report, the executive officer of the agency or the chair of the civilian review board shall provide to the Council a copy of any relevant documents associated with the report, including any findings, decision, and the agency's investigative report.

(b) The Council shall provide a copy of any report and the relevant documents provided with it to the Council Advisory Committee, which shall recommend any appropriate action to take in regard to a law enforcement officer who is the subject of that report.

(c) The Executive Director of the Council shall report to the Attorney General and the State's Attorney of jurisdiction any allegations that an officer committed Category A conduct.

* * *

Sec. 16. LAW ENFORCEMENT RECOMMENDATIONS

In order to further the goal of defining law enforcement officers as community guardians, the following entities shall report to the Senate and House Committees on Government Operations on or before January 15, 2021 on their progress in regard to the following topics, including any recommendations for legislative action, except that the Criminal Justice Council (Council) shall submit a verbal progress report to those Committees by that date and any recommendations for legislative action on or before March 15, 2021:

(1) Law enforcement officer qualifications.

(A) The Law Enforcement Advisory Board shall recommend universal standards for interviewing and hiring new law enforcement officers in order to recognize applicant qualities that are desirable and those that are not. The Board shall specifically recommend standards that should apply to officers in a supervisory role.

(B) The Council shall consult with the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other relevant organizations and individuals in reviewing law enforcement applicants' current written, oral, and psychological examinations for cultural sensitivities and overall appropriateness.

(2) Law enforcement officer training.

(A) The Council, in consultation with the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other relevant stakeholders, shall review the current requirements for basic and annual in-service training in order to determine whether appropriate training is provided in the areas of cultural awareness, implicit bias, de-escalation, and recognition of and appropriately responding to individuals with a mental health condition or psychiatric disability, and whether that training is embedded into training on other policing policies such as traffic stops and searches.

(B) In consideration of its analysis in subdivision (A) of this subdivision (2), and in reviewing current training requirements and how that training is used in practice, the Council shall recommend any amendments to statutorily required training that may not be necessary for all officers.

(C) The Council, Law Enforcement Advisory Board, and Department of Public Safety shall consult with the Vermont League of Cities and Towns and other interested stakeholders to determine whether:

(i) the Council should be reestablished within a State agency or other oversight entity; and

(ii) there should be more flexibility in the residential and field training required of law enforcement applicants, including whether applicants should be able to satisfy some aspects of basic training through experiential learning.

(3) Models of civilian oversight. The Office of Attorney General shall consult with the Council, the Human Rights Commission, the Vermont League of Cities and Towns, the Vermont Law School Center for Justice Reform, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other interested parties to recommend one or more models of civilian oversight of law enforcement.

(4) Reporting allegations of law enforcement misconduct. The Office of Attorney General shall consult with the Council, the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other interested parties in order to identify a central point for reporting allegations of law enforcement

officer misconduct, which may be the Council or another entity, and how those allegations should be handled.

(5) Access to complaint information. The Council Advisory Committee shall consult with the Secretary of State, the Human Rights Commission, the American Civil Liberties Union, and other interested parties in reviewing public access to records related to allegations of law enforcement officer misconduct and substantiations of those allegations in order to recommend any changes to current practice.

(6) Body cameras.

(A) The Law Enforcement Advisory Board shall report any changes it deems necessary to the Model Body Worn Camera (BWC) Policy that it established pursuant to 2016 Acts and Resolves No. 163.

(B)(i) The Council shall recommend a model body camera policy for use by law enforcement agencies and officers.

(ii) After consulting with the Secretary of State, the Human Rights Commission, the American Civil Liberties Union, statewide racial justice groups, statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, and other interested parties, the Council shall specifically recommend policies for responding to public records requests for body camera footage, including any recommended timelines to respond, how and what footage should be redacted, length of footage retention, and storage.

(C) The Department of Public Safety shall consult with the Council and the Law Enforcement Advisory Board to investigate the possibility of a statewide group purchasing contract for law enforcement body cameras and of central storage locations. If the Department recommends such a group, it shall detail its recommended structure and operation.

(7) Military equipment. After an opportunity for community involvement and feedback, the Council shall recommend a statewide policy on law enforcement officers' acquisition of military equipment.

(8) Facial recognition technology. After analyzing any law enforcement needs to use facial recognition technology, analyzing any potential inaccuracies or other limitations in the capacities of that technology, including implicit biases, and an opportunity for community involvement and feedback, the Council shall recommend a statewide policy on law enforcement officers' acquisition and use of facial recognition technology, in light of the moratorium set forth in Sec. 14 of this act. If the Council will recommend the authority for officers to acquire and use facial recognition technology, the Council shall

recommend a plan to mitigate any implicit bias that results from the use of that technology.

* * * State Data Collection and Analysis * * *

Sec. 17. STATE OUTCOMES REPORT; GOVERNMENT
ACCOUNTABILITY COMMITTEE; POPULATION-LEVEL
INDICATORS DEMONSTRATING QUALITY OF LIFE FOR
VERMONTERS WHO ARE BLACK, INDIGENOUS, OR PEOPLE
OF COLOR

(a) On or before March 1, 2021, the Government Accountability Committee shall consult with the Executive Director of Racial Equity, the Social Equity Caucus, and the Chief Performance Officer and shall accept recommendations from other relevant entities in order to approve by that date population-level indicators that demonstrate the quality of life for Vermonters who are Black, Indigenous, or People of Color as those indicators relate to the population-level quality of life outcomes set forth in 3 V.S.A. § 2311(b).

(b) Once those indicators are approved by the Government Accountability Committee, the Chief Performance Officer shall report on those indicators in the State Outcomes Report set forth in 3 V.S.A. § 2311.

Sec. 18. 3 V.S.A. § 2311 is amended to read:

§ 2311. CHIEF PERFORMANCE OFFICER; ANNUAL STATE
OUTCOMES REPORT

(a) Report.

(1) Annually, on or before September 30, the Chief Performance Officer within the Agency of Administration shall submit to the General Assembly a State Outcomes Report demonstrating the State's progress in reaching the population-level outcomes for each area of Vermont's quality of life set forth in subsection (b) of this section by providing data for the population-level indicators that are approved pursuant to the process set forth in subsection (c) of this section.

(2) Vermont's population-level quality of life outcomes are intended to reflect the well-being of all Vermonters, and indicators reported to measure the extent to which outcomes are achieved are intended to represent the experience of all Vermonters, including and especially Vermonters who are members of marginalized groups.

(b) Vermont population-level quality of life outcomes.

(1) Vermont has a prosperous economy.

(2) Vermonters are healthy.

- (3) *Vermont's environment is clean and sustainable.*
- (4) *Vermont is a safe place to live.*
- (5) *Vermont's families are safe, nurturing, stable, and supported.*
- (6) *Vermont's children and young people achieve their potential.*
- (7) *Vermont's elders live with dignity and in settings they prefer.*
- (8) *Vermonters with disabilities live with dignity and in settings they prefer.*
- (9) *Vermont has open, effective, and inclusive government.*
- (10) *Vermont's State infrastructure meets the needs of Vermonters, the economy, and the environment.*

(c) Approving population-level indicators.

(1) Annually, on or before March 1, a standing committee of the General Assembly having jurisdiction over a population-level quality of life outcome set forth in subsection (b) of this section or the Chief Performance Officer may submit to the Government Accountability Committee a request that any population-level indicator related to that outcome be revised.

(2) If that request is approved by the Government Accountability Committee, the Chief Performance Officer shall revise and report on the population-level indicator in accordance with that approval and this section.

(d) The report set forth in this section shall not be subject to the limitation on the duration of agency reports set forth in 2 V.S.A. § 20(d).

Sec. 19. 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

** * **

(k) The Secretary of Administration or designee shall review all grants from an agency of the State to a local law enforcement agency or constable, and all such grants shall be subject to the approval of the Secretary or designee. The Secretary or designee shall approve the grant only if the law enforcement agency or constable has complied with the race data reporting requirements set forth in 20 V.S.A. § 2366(e) and the death or serious bodily injury reporting requirements set forth in 18 V.S.A. § 7257a(b) within six months prior to the Secretary's or designee's review.

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

§ 2053. COOPERATION WITH OTHER AGENCIES

(a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and agencies, municipal police departments, sheriffs, and other law enforcement officers in this state State and with federal and international law enforcement agencies to develop and carry on a uniform and complete ~~state~~ State, interstate, national, and international system of records of ~~criminal~~ activities commission of crimes and information.

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

(2) In order to meet the requirements of subdivision (1) of this subsection, the Center, in consultation with the Vermont Crime Research Group, statewide racial justice groups, and statewide groups representing individuals with lived experience of a mental health condition or psychiatric disability, shall establish and provide training on a uniform list of definitions to be used in entering data into a law enforcement agency's system of records, and every law enforcement officer shall use those definitions when entering data into his or her agency's system.

* * * Law Enforcement Advisory Board * * *

Sec. 21. LEAB; REPEAL FOR RECODIFICATION

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

Sec. 22. 20 V.S.A. § 1818 is added to read:

§ 1818. LAW ENFORCEMENT ADVISORY BOARD

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

(1) the Commissioner of Public Safety;

(2) the Director of the Vermont State Police;

(3) the Director of the Enforcement Division of the Department of Fish and Wildlife;

(4) the Director of the Enforcement and Safety Division of the Department of Motor Vehicles;

(5) the Chief of the Capitol Police Department;

(6) the Director of the Vermont Criminal Justice Services Division;

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

(8) a member of the Vermont Sheriffs' Association, appointed by the President of the Association;

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

(10) a member of the Vermont Police Association, appointed by the President of the Association;

(11) the Attorney General or designee;

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

(13) the U.S. Attorney or designee;

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

(15) the Defender General or designee;

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

(17) a member of the Vermont Constables Association, appointed by the President of the Association; and

(18) a law enforcement officer, appointed by the President of the Vermont State Employees Association.

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

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

(d)(1) The Board shall meet not fewer than six times a year to develop policies and recommendations for law enforcement priority needs, including retirement benefits, recruitment of officers, training, homeland security issues, dispatching, and comprehensive drug enforcement.

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

Sec. 23. LEAB; RECODIFICATION DIRECTIVE

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

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

Sec. 24. LEAB; 2021 REPORT ON MUNICIPAL ACCESS TO LAW ENFORCEMENT SERVICES

As part of its annual report in the year 2021, the Law Enforcement Advisory Board shall specifically recommend ways that towns can increase access to law enforcement services.

** * * Department of Public Safety; Dispatch * * **

Sec. 25. 20 V.S.A. chapter 113 (Commissioner and Members), subchapter 1 is amended to read:

Subchapter 1. General Provisions

§ 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER

(a) ~~The department of public safety~~ Department of Public Safety, created by 3 V.S.A. § 212, shall include a ~~commissioner of public safety~~ Commissioner of Public Safety.

(b) ~~The head of the department~~ Department shall be a ~~commissioner of public safety~~ the Commissioner of Public Safety, who shall be a citizen of the United States and shall be selected on the basis of training, experience and qualifications. ~~The commissioner~~ Commissioner shall be appointed by the

~~governor~~ Governor, with the advice and consent of the ~~senate~~, ~~for a term of six years~~ Senate.

* * *

(i) ~~The commissioner of public safety~~ Commissioner of Public Safety may enter into contractual arrangements to perform dispatching functions for ~~state~~ State, ~~municipal,~~ or other emergency services, ~~establishing charges sufficient to recover the costs of dispatching.~~ ~~Dispatch positions which are fully funded under such contracts may be authorized under the provisions of 32 V.S.A. § 5(b).~~

(j) Charges collected under subsections (e), (f), and (i) of this section shall be credited to the ~~Vermont law telecommunications special fund~~ Law Telecommunications Special Fund and shall be available to the ~~department~~ Department to offset the costs of providing the services.

* * *

§ 1873. ~~REMOVAL OF COMMISSIONER~~

~~During his or her term of office, the governor may remove the commissioner upon charges preferred in writing and after hearing, which shall be a public hearing if the commissioner requests the same, upon the following grounds:~~

~~(1) Incompetency amounting to failure to perform his or her official duties competently;~~

~~(2) Misconduct in office which shall be construed to include:~~

~~(a) failure to be of good behavior;~~

~~(b) participation, directly or indirectly, in a political campaign, rally, caucus or other political gathering, other than to vote. [Repealed.]~~

* * *

§ 1875. RADIO COMMUNICATION SYSTEM

(a) ~~The commissioner~~ Commissioner shall establish a communication system as will best enable the ~~department~~ Department to carry out the purposes of this chapter. This shall include a radio set furnished, on written request, to the sheriff and ~~state's attorney~~ State's Attorney of each county on a memorandum receipt.

(b)(1) ~~The commissioner~~ Commissioner may charge to all users of telecommunications services managed, maintained, or operated by the ~~department~~ Department for the benefit of the users a proportionate share of the actual cost of providing the services and products inclusive of administrative costs.

(2) Such charges shall be based on a pro rata allocation of the actual costs of services or products, determined in an equitable manner, which shall be representative of services provided to or system usage by individual units of government, including state State, local, and federal agencies or private nonprofit entities.

(3) Such charges shall be credited to the Vermont ~~communication system special fund~~ Law Telecommunications Special Fund and shall be available to the ~~department~~ Department to offset the costs of providing the services.

* * *

Sec. 26. DEPARTMENT OF PUBLIC SAFETY; PROHIBITION ON NEW CHARGES TO PERFORM DISPATCH FUNCTIONS UNTIL FEE STRUCTURE ENACTED; RECOMMENDATIONS

(a) In accordance with the amendments to 20 V.S.A. § 1871(i) set forth in Sec. 25 of this act, the Department of Public Safety shall not charge fees in any contractual arrangements it enters into to perform dispatching functions for State, municipal, or other emergency services until the General Assembly establishes in law a dispatch fee structure for those charges.

(b)(1) On or before March 15, 2021, the Department of Public Safety shall hold at least three public hearings and consult with the Vermont League of Cities and Towns, the Emergency Medical Advisory Committee, the Vermont Police Chiefs Association, the Vermont State Firefighters Association, and local emergency medical services, police, and fire agencies in order to report by that date to the House Committees on Government Operations and on Ways and Means and the Senate Committees on Government Operations and on Finance the Department's recommendations for an equitable dispatch fee structure for the Department to charge for dispatching emergency medical service, police, and fire services, and potential funding mechanisms for those charges that do not rely on property taxes.

(2) If the Department decides to overrule substantial arguments and considerations raised against the equitable dispatch fee structure or potential funding mechanisms it ultimately recommends, the Department shall include in its report a description of those arguments and considerations and the reasons for the Department's decision.

** * * Emergency Medical Services * * **

Sec. 27. 24 V.S.A. chapter 71 is amended to read:

CHAPTER 71. AMBULANCE SERVICES

Subchapter 1. Emergency Medical Services Districts

§ 2651. DEFINITIONS

As used in this chapter:

** * **

(14) “State Board” means the State Board of Health. [Repealed.]

** * **

§ 2652. CREATION OF DISTRICTS

The ~~State Board~~ Department of Health may divide the State into emergency medical services districts, the number, size, and boundaries of which shall be determined by the ~~Board~~ Department in the interest of affording adequate and efficient emergency medical services throughout the State.

** * **

§ 2654. RECORDING DETERMINATION OF DISTRICTS

The ~~State Board~~ Department of Health shall cause to be recorded in the office of the Secretary of State a certificate containing its determination of emergency medical services districts.

** * **

§ 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

(a) The board of directors shall have full power to manage, control, and supervise the conduct of the district and to exercise in the name of the district all powers and functions belonging to the district, subject to such laws or ~~regulations~~ rules as may be applicable.

** * **

§ 2657. *PURPOSES AND POWERS OF EMERGENCY MEDICAL SERVICES DISTRICTS*

(a) *It shall be the function of each emergency medical services district to foster and coordinate emergency medical services within the district, in the interest of affording adequate ambulance services within the district. Each emergency medical services district shall have powers that include the power to:*

* * *

(6) *monitor the provision of emergency medical services within the district and make recommendations to the ~~State Board~~ Department of Health regarding licensure, relicensure, and removal or suspension of licensure for ambulance vehicles, ambulance services, and first responder services;*

* * *

(b) *Two or more contiguous emergency medical services districts by a majority vote of the district board in each of the districts concerned may change the mutual boundaries of their emergency medical services districts. The district boards shall report all changes in district boundaries to the ~~State Board~~ Department of Health.*

* * *

Subchapter 2. Licensing Operation of Affiliated Agencies

§ 2681. *LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT*

(a) *A person furnishing ambulance services or first responder services shall obtain a license to furnish services under this subchapter.*

(b)(1) *In order to obtain and maintain a license, an ambulance service shall be required to provide its services in a manner that does not discriminate on the basis of income, funding source, or severity of health needs, in order to ensure access to ambulance services within the licensee's service area.*

(2) *The Department of Health shall adopt rules in accordance with the provisions of subdivision (1) of this subsection.*

§ 2682. *POWERS OF ~~STATE BOARD~~ THE DEPARTMENT OF HEALTH*

(a) *The ~~State Board~~ Department of Health shall administer this subchapter and shall have power to:*

* * *

§ 2683. TERM OF LICENSE

Full licenses shall be issued on forms to be prescribed by the ~~State Board~~ Department of Health for a period of three years beginning on January 1, or for the balance of any such three-year period. Temporary, conditional, or provisional licenses may also be issued by the ~~Board~~ Department.

* * *

Sec. 28. 18 V.S.A. § 9405 is amended to read:

§ 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE ALLOCATION PLAN

* * *

(b) The Green Mountain Care Board, in consultation with the Secretary of Human Services or designee, shall publish on its website the Health Resource Allocation Plan identifying Vermont's critical health needs, goods, services, and resources, which shall be used to inform the Board's regulatory processes, cost containment and statewide quality of care efforts, health care payment and delivery system reform initiatives, and any allocation of health resources within the State. The Plan shall identify Vermont residents' needs for health care services, programs, and facilities; the resources available and the additional resources that would be required to realistically meet those needs and to make access to those services, programs, and facilities affordable for consumers; and the priorities for addressing those needs on a statewide basis. The Board may expand the Plan to include resources, needs, and priorities related to the social determinants of health. The Plan shall be revised periodically, but not less frequently than once every four years.

(1) In developing the Plan, the Board shall:

(A) consider the principles in section 9371 of this title, as well as the purposes enumerated in sections 9401 and 9431 of this title;

(B) identify priorities using information from:

(i) the State Health Improvement Plan;

(ii) emergency medical services resources and needs identified by the EMS Advisory Committee in accordance with subsection 909(f) of this title;

(iii) the community health needs assessments required by section 9405a of this title;

(iii)(iv) available health care workforce information;

~~(iv)~~(v) materials provided to the Board through its other regulatory processes, including hospital budget review, oversight of accountable care organizations, issuance and denial of certificates of need, and health insurance rate review; and

~~(v)~~(vi) the public input process set forth in this section;

(C) use existing data sources to identify and analyze the gaps between the supply of health resources and the health needs of Vermont residents and to identify utilization trends to determine areas of underutilization and overutilization; and

(D) consider the cost impacts of fulfilling any gaps between the supply of health resources and the health needs of Vermont residents.

* * *

Sec. 29. 18 V.S.A. chapter 17 is amended to read:

CHAPTER 17. EMERGENCY MEDICAL SERVICES

* * *

§ 903. AUTHORIZATION FOR PROVISION OF EMERGENCY
MEDICAL SERVICES

Notwithstanding any other provision of law, including provisions of 26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and licensed to provide emergency medical treatment pursuant to the requirements of this chapter and the rules adopted under it are hereby authorized to provide such care without further certification, registration, or licensing.

* * *

§ 904. ADMINISTRATIVE PROVISIONS

(a) In order to carry out the purposes and responsibilities of this chapter, the Department of Health may contract for the provision of specific services.

(b) The Secretary of Human Services, upon the recommendation of the Commissioner of Health, may ~~issue~~ adopt rules to carry out the purposes and responsibilities of this chapter.

* * *

§ 906. EMERGENCY MEDICAL SERVICES DIVISION;
RESPONSIBILITIES

To implement the policy of section 901 of this chapter, the Department of Health shall be responsible for:

(1) Developing and implementing minimum standards for training emergency medical personnel in basic life support and advanced life support, and licensing emergency medical personnel according to their level of training and competence. The Department shall establish by rule at least three levels of emergency medical personnel instructors and the education required for each level.

* * *

(7) Assisting hospitals in the development of programs ~~which~~ that will improve the quality of in-hospital services for persons requiring emergency medical ~~care~~ treatment.

* * *

(9) Establishing requirements for the collection of data by emergency medical personnel and hospitals as may be necessary to evaluate emergency medical ~~care~~ treatment.

(10) Establishing, by rule, license levels for emergency medical personnel. The Commissioner shall use the guidelines established by the National Highway Traffic Safety Administration (NHTSA) in the U.S. Department of Transportation as a standard or other comparable standards, except that a felony conviction shall not necessarily disqualify an applicant. The rules shall also provide that:

* * *

(B) An individual licensed by the Commissioner as an emergency medical technician, advanced emergency medical technician, or a paramedic, who is affiliated with an affiliated agency, shall be able to practice fully within the scope of practice for such level of licensure as defined by NHTSA's National EMS Scope of Practice Model consistent with the license level of the affiliated agency, and subject to the medical direction of the emergency medical services district medical advisor.

(C)(i) Unless otherwise provided under this section, an individual seeking any level of licensure shall be required to pass an examination approved by the Commissioner for that level of licensure, except that any psychomotor skills testing for emergency medical responder, or emergency medical technician licensure shall be accomplished either by the demonstration of those skills competencies as part of the education required for that license level as approved by the Department or by the National Registry of Emergency Medical Technicians' psychomotor examination.

(ii) Written and practical examinations shall not be required for relicensure; however, to maintain licensure, all individuals shall complete a specified number of hours of continuing education as established by rule by the Commissioner. The Commissioner shall ensure that continuing education classes are available online and provided on a regional basis to accommodate the needs of volunteers and part-time individuals, including those in rural areas of the State.

* * *

(E) An applicant who has served as a hospital corpsman or a medic in the U.S. Armed Forces, or who is licensed as a registered nurse or a physician assistant shall be granted a permanent waiver of the training requirements to become a licensed emergency medical technician, an advanced emergency medical technician, or a paramedic, provided the applicant passes the applicable examination approved by the Commissioner for that level of licensure and is affiliated with an affiliated agency.

(F) An applicant who is registered on the National Registry of Emergency Medical Technicians as an emergency medical technician, an advanced emergency medical technician, or a paramedic shall be granted licensure as a Vermont emergency medical technician, an advanced emergency medical technician, or a paramedic without the need for further testing, provided he or she is affiliated with an affiliated agency or is serving as a medic with the Vermont National Guard.

* * *

(11) In addition to the licenses established under subdivision (10) of this section, the Department shall establish by rule an entry-level certification for Vermont EMS first responders.

* * *

~~§ 906b. TRANSITIONAL PROVISION; CERTIFICATION TO
LICENSURE~~

~~Every person certified as an emergency medical provider shall have his or her certification converted to the comparable level of licensure. Until such time as the Department of Health issues licenses in lieu of certificates, each certified emergency medical provider shall have the right to practice in accordance with his or her level of certification. [Repealed.]~~

* * *

§ 906d. RENEWAL REQUIREMENTS; SUNSET REVIEW

(a) Not less than once every five years, the Department shall review emergency medical personnel continuing education and other continuing competency requirements. The review results shall be in writing and address the following:

(1) the renewal requirements of the profession;

(2) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(3) the cost of the renewal requirements for emergency medical personnel; and

(4) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection.

(b) The Department shall amend its rules or propose any necessary statutory amendments to revise any emergency medical personnel continuing education and other continuing competency requirements that are not necessary for the protection of the public health, safety, or welfare.

* * *

§ 909. EMS ADVISORY COMMITTEE; EMS EDUCATION COUNCIL

(a) The Commissioner shall establish the Emergency Medical Services Advisory Committee to advise on matters relating to the delivery of emergency medical services (EMS) in Vermont.

* * *

(e) Annually, on or before January 1, the Committee shall report on the EMS system to the House Committees on Government Operations, on Commerce and Economic Development, and on Human Services and to the Senate Committees on Government Operations, on Economic Development, Housing and General Affairs, and on Health and Welfare. The Committee's reports shall include information on the following:

* * *

(6) the nature and costs of dispatch services for EMS providers throughout the State, including the annual number of mutual aid calls to an emergency medical service area that come from outside that area, and suggestions for improvement;

* * *

(f) In addition to its report set forth in subsection (e) of this section, the Committee shall identify EMS resources and needs in each EMS district and provide that information to the Green Mountain Care Board to inform the Board's periodic revisions to the Health Resource Allocation Plan developed pursuant to subsection 9405(b) of this title.

(g) The Committee shall establish from among its members the EMS Education Council, which may:

(1) sponsor training and education programs required for emergency medical personnel licensure in accordance with the Department of Health's required standards for that training and education; and

(2) provide advice to the Department of Health regarding the standards for emergency medical personnel licensure and any recommendations for changes to those standards.

Sec. 30. 32 V.S.A. § 8557 is amended to read:

§ 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

(a)(1) Sums for the expenses of the operation of training facilities and curriculum of the Vermont Fire Service Training Council not to exceed \$1,200,000.00 per year shall be paid to the Fire Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the State of Vermont within 30 days after notice from the Commissioner of Financial Regulation of such estimated expenses. Captive companies shall be excluded from the effect of this section.

* * *

(4) An amount not less than \$150,000.00 shall be specifically allocated to the Emergency Medical Services Special Fund established under 18 V.S.A. § 908 for the provision of training programs for certified Vermont EMS first responders and licensed emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

* * *

Sec. 31. TRANSITIONAL EMS PROVISIONS

(a) Rules. Except as otherwise provided in this act, on or before July 1, 2021, the Department of Health shall finally adopt or amend the rules required by this act, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

(b) Ambulance service licenses. The requirements for initial ambulance service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 27 of this act shall apply to initial ambulance service license and renewal applicants on and after July 1, 2021 or on and after the effective date of the Department of Health rules adopted pursuant to that section and subsection (a) of this section, whichever date is later.

(c) Existing EMS Instructor/Coordinator licensees. Any person who is licensed as an EMS Instructor/Coordinator under the Department of Health's Emergency Medical Service Rules in effect immediately prior to the effective date of the rules establishing the new levels of instructor licenses as required by 18 V.S.A. § 906(1) in Sec. 29 of this act shall be deemed to be licensed at the level that is consistent with the scope of practice of the new license levels.

(d) Development of Vermont EMS First Responder certification. The Department of Health shall consult with the EMS Advisory Committee, the University of Vermont's Initiative for Rural Emergency Medical Services, and any other relevant stakeholders in developing the new Vermont EMS First Responder certification required by 18 V.S.A. § 906(11) in Sec. 29 of this act so that certification is established on or before July 1, 2021.

(e) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 906d (renewal requirements; sunset review) set forth in Sec. 29 this act, the Department of Health shall conduct its first sunset review in conjunction with its rulemaking required by this act and thereafter propose any necessary statutory amendments in accordance with that section.

* * * Public Safety Planning * * *

Sec. 32. REGIONAL PLANNING COMMISSIONS; INVENTORY OF
MUNICIPAL PUBLIC SAFETY RESOURCES

(a) The purpose of this section is to require each regional planning commission to create one inventory identifying the public safety resources of each town within its jurisdiction and to report that inventory to all of its towns so that each town can better understand the public safety resources that are available to them and how those resources may be shared on a regional basis.

(b) On or before December 31, 2021, each regional planning commission shall create and report to all of the towns within its jurisdiction one inventory identifying all of the public safety resources that each town within its jurisdiction relies upon for its public safety needs. As part of this inventory, the inventory shall identify:

(1) any mutual aid agreements for public safety resources that its towns may have; and

(2) any of its towns that have a public safety plan.

(c) As used in this section, "public safety resources" means the law enforcement, fire, emergency medical service, and dispatch entities that provide their services to a town.

** * * Effective Dates * * **

Sec. 33. EFFECTIVE DATES

This act shall take effect on October 1, 2020, except that:

(1) Sec. 4, 20 V.S.A. § 2352 (Council membership) shall take effect on December 1, 2020; and

(2) Sec. 19, 3 V.S.A. § 2222 (powers and duties; budget and report) shall take effect on January 1, 2021.