

1 S.230

2 Introduced by Senators Brock and Parent

3 Referred to Committee on

4 Date:

5 Subject: Law enforcement; confiscation of personal property

6 Statement of purpose of bill as introduced: This bill proposes to establish a
7 working group to propose to the Joint Legislative Justice Oversight Committee
8 a statewide policy on law enforcement confiscation of personal property.

9 An act relating to a statewide policy on law enforcement confiscation of
10 personal property

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

12 Sec. 1. LAW ENFORCEMENT; CONFISCATION OF PROPERTY;

13 WORKING GROUP; REPORT

14 (a) Working group. A personal property confiscation working group is
15 created to establish a statewide policy for all law enforcement agencies and
16 constables to use in determining when it is appropriate to confiscate personal
17 property from a person who is cited, arrested, or charged with a crime. The
18 policy shall establish how long property may be retained, when it should be
19 returned, when it should be destroyed, and an appropriate notification protocol
20 when property is destroyed. The goal of the group shall be to ensure that:

1 (1) from each point of contact with law enforcement, individuals receive
2 appropriate and consistent treatment with respect to their personal property;

3 (2) a standardized approach is taken by law enforcement across the State
4 in dealing with individuals' personal property; and

5 (3) individual rights protected by the Constitution or laws of Vermont or
6 by the Constitution or laws of the United States are not violated.

7 (b) Membership. The working group shall consist of a representative from:

8 (1) the Department of State's Attorneys and Sheriffs;

9 (2) the Office of the Vermont Attorney General;

10 (3) the Vermont Association of Chiefs of Police;

11 (4) the Vermont Criminal Justice Training Council;

12 (5) the Vermont State Police;

13 (6) the Vermont Police Association;

14 (7) the Vermont Sheriffs' Association;

15 (8) the Department of Public Safety; and

16 (9) the Office of the Defender General.

17 (c) Report. On or before November 15, 2020, the group shall report to the
18 Joint Legislative Justice Oversight Committee on a proposed policy to achieve
19 the goals set forth in this section.

20 (d) Meetings. The Attorney General shall call the first meeting of the
21 working group to occur on or before August 1, 2020. The working group shall

1 select a chair from among its members at the first meeting. A majority of the
2 membership shall constitute a quorum. The working group shall cease to exist
3 on November 15, 2020.

4 (e) Assistance. The working group shall have the administrative, technical,
5 and legal assistance of the Department of Public Safety.

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on passage.