

**Key:** **Strikethrough** = remove from bill; **Highlighting** = add to bill

**DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION**

TO THE HOUSE OF REPRESENTATIVES:

The Committee on Government Operations to which was referred Senate Bill No. 124 entitled “An act relating to governmental structures protecting the public health, safety, and welfare” respectfully reports that it has considered the same and recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Vermont Criminal Justice **Training** Council \* \* \*

Commented [BW1]: 9/17/20.

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

Commented [BW2]: 9/17/20.

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

Sec. 2. **VERMONT CRIMINAL JUSTICE COUNCIL; PURPOSE;**

Commented [BW3]: 9/17/20.

**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,” as long as those revisions have no other effect on the meaning of the affected statutes.

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

2 § 2351. CREATION AND PURPOSE OF COUNCIL

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

Commented [BW4]: 9/17/20.

6 (b) The Council is created to:

7 (1) encourage and assist municipalities, counties, and governmental  
8 agencies of this State in their efforts to improve the quality of law enforcement  
9 and citizen protection by maintaining a uniform standard of ~~recruitment~~ recruit  
10 basic training for law enforcement applicants and in-service training for law  
11 enforcement officers; and

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

Commented [BW5]: 9/15/20. Update to address the Council's duty to professionally regulate LEOs.

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

Commented [BW6]: 9/15/20. Update to address the Council's authority to approve training beyond that provided by the Council.

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

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

5 § 2352. COUNCIL MEMBERSHIP

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

Commented [BW7]: 9/17/20.

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

Commented [BW8]: 9/17/20.

8 Vehicles, ~~and~~ of Fish and Wildlife, and of Mental Health;

9 (B) the Attorney General;

10 (C) the Executive Director of the Department of State's Attorneys

11 and Sheriffs;

12 (D) the Executive Director of Racial Equity;

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

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

17 ~~(G) five additional members appointed by the Governor.~~

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

20 (ii) ~~The Governor shall solicit recommendations for appointment~~  
21 ~~from the Vermont State's Attorneys Association, the Vermont State's Sheriffs~~

1 ~~Association, the Vermont Police Chiefs Association, and the Vermont~~  
2 ~~Constables Association~~ a member of the Chiefs of Police Association of  
3 Vermont, appointed by the President of the Association;

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

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

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

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

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

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

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

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

Commented [BW9]: 9/17/20

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

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

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

10 (3) The Governor shall appoint the Chair of the Council from among the  
11 public members set forth in subdivision (a)(1)(N) of this section.

Commented [BW10]: 9/15/20.

12 \* \* \*

13 ~~(e) The public members of the Council set forth in subdivision (a)(1)(N) of~~  
14 ~~this section shall be entitled to receive no per diem compensation for their~~  
15 ~~services, but the other members of the Council shall not be entitled to such~~  
16 ~~compensation; provided, however, that all members of the Council shall be~~  
17 ~~allowed their actual and necessary entitled to receive reimbursement of~~  
18 ~~expenses incurred in the performance of their duties.~~

Commented [BW11]: 9/17/20.

19 (c) The members of the Council shall be entitled to receive ~~no per diem~~  
20 compensation ~~for their services but shall be allowed their actual and necessary~~

Commented [BW12]: 9/17/20.

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

1 ~~and reimbursement of expenses incurred in the performance of their duties as~~  
2 ~~permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.~~

3 \* \* \*

4 Sec. 5. TRANSITIONAL PROVISION TO ADDRESS NEW COUNCIL  
5 MEMBERSHIP

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

Commented [BW13]: 9/17/20.

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

Commented [BW14]: 9/15/20.

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

13 § 2355. COUNCIL POWERS AND DUTIES

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

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

19 \* \* \*

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

1 personnel. The Council shall offer courses of instruction for law enforcement  
2 officers in different areas of the State and shall strive to offer nonovernight  
3 courses whenever possible.

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

7 \* \* \*

8 Sec. 7. 20 V.S.A. § 2358 is amended to read:

9 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

10 \* \* \*

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

16 (1) Level I certification.

17 \* \* \*

18 (2) Level II certification.

19 \* \* \*

20 (3) Level III certification.

21 \* \* \*

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

3 (2) The Council shall structure its programs so that on and after July 1,  
4 2021, a Level II certified officer may use portfolio experiential learning or  
5 College Level Examination Program (CLEP) testing in order to transition to  
6 Level III certification, without such an officer needing to restart the  
7 certification process.

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

10 \* \* \*

11 Sec. 8. COUNCIL; REPORT ON CHANGES IN TRAINING OPTIONS;

12 RULE ADOPTION DEADLINE

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

17 (1) plan to replace some of its overnight law enforcement training  
18 requirements at the Robert H. Wood, Jr. Criminal Justice and Fire Service  
19 Training Center of Vermont (the Police Academy), including its 16-week  
20 residential basic training, with nonovernight training and training in other areas  
21 of the State, in accordance with 20 V.S.A. § 2355(b)(1) in Sec. 6 of this act,

Commented [BW15]: 9/17/20 [returned to as passed Senate]

Commented [BW16]: 9/17/20

Commented [BW17]: 9/17/20



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1 **and shall specifically address any plans it has to offer training by remote**

2 **means;** and

3 (2) changes in the structure of its programs to enable a law enforcement  
4 officer to transition from Level II to Level III certification as required by  
5 20 V.S.A. § 2358(c)(2) in Sec. 7 of this act.

6 (b) Rules. On or before July 1, 2023, the Council shall finally adopt the  
7 rules regarding alternate routes to certification required by 20 V.S.A.  
8 § 2355(a)(1) in Sec. 6 of this act, unless that deadline is extended by the  
9 Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

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

11 § 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

12 COMPLIANCE

13 (a) On and after January 1, 2022, a law enforcement agency shall be  
14 prohibited from having its law enforcement applicants or officers trained by  
15 the Police Academy or from otherwise using the services of the Council if the  
16 agency is not in compliance with the requirements for collecting roadside stop  
17 data under section 2366 of this chapter, **the requirement to report to the Office**  
18 **of Attorney General death or serious bodily injuries under 18 V.S.A.**  
19 **§ 7257a(b),** or the requirement to adopt, follow, or enforce any policy required  
20 under this chapter.

**Commented [BW18]:** 9/15/20. Related to [Rep. Donahue request](#); see also the amendment requested by Rep. Donahue later in this draft.

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

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

5        § 2361. ADDITIONAL TRAINING

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

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

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

16       § 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT

17                    CURRENT OR FORMER AGENCY

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

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

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

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

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

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

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

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

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

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

Commented [BW19]: 9/17/20.

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

Commented [BW20]: 9/15/20.

Commented [BW21]: 9/17/20, terminology update.

11 Sec. 12. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE

Commented [BW22]: 9/15/20.

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

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

Commented [BW23]: 9/17/20.

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1 **the expiration or termination of such an agreement and shall apply to any**  
2 **collective bargaining agreement that takes effect on or after the effective date**  
3 **of that section.**

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

5 § 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERAS

6 **POLICY**

7 (a)(1) On ~~or before~~ and after January 1, 2022, each law enforcement  
8 agency that authorizes its law enforcement officers to use body cameras shall  
9 adopt, follow, and enforce ~~the Model Body Worn Camera (BWC) Policy~~  
10 ~~established by the Law Enforcement Advisory Board pursuant to 2016 Acts~~  
11 ~~and Resolves No. 163~~ a model body camera policy established by the Council,  
12 and each law enforcement officer who uses a body camera shall comply with  
13 the provisions of that policy.

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

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

Commented [BW24]: 9/15/20: Subbed Council for LEAB.

1 Sec. 14. 20 V.S.A. § 2369 is added to read:

Commented [BW25]: 9/17/20.

2 **§ 2369. PROHIBITION ON FACIAL RECOGNITION TECHNOLOGY**

3 (a) A law enforcement officer shall not use facial recognition technology or  
4 information acquired through the use of facial recognition technology unless  
5 the use would be permitted with respect to drones under section 4622 of this  
6 title (law enforcement use of drones).

7 (b) As used in this section:

8 (1) “Facial recognition” means:

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

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

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

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

3 Subchapter 2. Unprofessional Conduct

4 ~~§ 2401. DEFINITIONS~~

5 ~~As used in this subchapter:~~

6 ~~(1) “Category A conduct” means:~~

7 ~~(A) A felony;~~

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

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

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

12 ~~(ii) domestic assault;~~

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

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

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

17 ~~(vi) stalking;~~

18 ~~(vii) false pretenses;~~

19 ~~(viii) voyeurism;~~

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

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

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

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

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

9                    ~~(A) sexual harassment involving physical contact or misuse of~~  
10 ~~position;~~

11                    ~~(B) misuse of official position for personal or economic gain;~~

12                    ~~(C) excessive use of force under color of authority, second first~~  
13 ~~offense;~~

14                    ~~(D) biased enforcement; or~~

15                    ~~(E) use of electronic criminal records database for personal, political,~~  
16 ~~or economic gain.~~

17                    \* \* \*

18 § 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

19                    (a)(1) The executive officer of a law enforcement agency or the chair of the  
20 agency’s civilian review board shall report to the Council within 10 business

**Commented [BW26]:** These amendments and others were made in 2020, Act 147 (S.219), Sec. 5.



1 days if any of the following occur in regard to a law enforcement officer of the  
2 agency:

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

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

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

9 (B) Category B.

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

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

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

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

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

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

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

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

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

14 \* \* \*

15 Sec. 16. LAW ENFORCEMENT RECOMMENDATIONS

16 In order to further the goal of defining law enforcement officers as  
17 community guardians, the following entities shall report to the Senate and  
18 House Committees on Government Operations on or before January 15, 2021  
19 on their progress in regard to the following topics, including any  
20 recommendations for legislative action, **except that the Criminal Justice**

21 Council (Council) shall submit a verbal progress report to those Committees

Commented [BW27]: 9/17/20.

1 **by that date and any recommendations for legislative action on or before**

2 **March 15, 2021:**

3 (1) Law enforcement officer qualifications.

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

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

16 (2) Law enforcement officer training.

17 (A) The Council, in consultation with the Racial Disparities in the  
18 Criminal and Juvenile Justice System Advisory Panel, the Human Rights  
19 Commission, the American Civil Liberties Union, statewide racial justice  
20 **groups, statewide groups representing individuals with lived experience of a**  
21 **mental health condition or psychiatric disability,** and other relevant

Commented [BW28]: 9/15/20.

Updated terminology 9/17/20.

Commented [BW29]: 9/15/20.

Updated terminology 9/17/20.

1 stakeholders, shall review the current requirements for basic and annual in-  
2 service training in order to determine whether appropriate training is provided  
3 in the areas of cultural awareness, implicit bias, de-escalation, and recognition  
4 of and appropriately responding to individuals with a mental **health** condition  
5 **or psychiatric disability**, and whether that training is embedded into training on  
6 other policing policies such as traffic stops and searches.

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

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

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

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

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

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

Commented [BW31]: 9/15/20.

Commented [BW32]: 9/15/20.

Terminology updated 9/17/20.

8           (4) Reporting allegations of law enforcement misconduct. The Office of  
9 Attorney General shall consult with the Council, the Human Rights  
10 Commission, the American Civil Liberties Union, statewide racial justice  
11 groups, statewide groups representing individuals with lived experience of a  
12 mental health condition or psychiatric disability, and other interested parties in  
13 order to identify a central point for reporting allegations of law enforcement  
14 officer misconduct, which may be the Council or another entity, and how those  
15 allegations should be handled.

Commented [BW33]: 9/15/20.

Updated terminology 9/17/20.

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

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

1           (6) Body cameras.

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

**Commented [BW34]:** 9/15/20. Subbed Council for LEAB.

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

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

**Commented [BW35]:** 9/15/20.  
Terminology updated 9/17/20.

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

**Commented [BW36]:** 9/15/20.

20           (7) Military equipment. After an opportunity for community involvement  
21 and feedback, the ~~Law Enforcement Advisory Board~~ Council shall recommend

**Commented [BW37]:** 09/15/20.

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

1 a statewide policy on law enforcement officers' ~~use~~ **acquisition** of military  
2 equipment.

3 **\* \* \* State Data Collection and Analysis \* \* \***

4 **Sec. 17. STATE OUTCOMES REPORT; GOVERNMENT**

Commented [BW38]: 09/15/20.

5 **ACCOUNTABILITY COMMITTEE; POPULATION-LEVEL**

6 **INDICATORS DEMONSTRATING QUALITY OF LIFE FOR**

7 **VERMONTERS WHO ARE BLACK, INDIGENOUS, OR PEOPLE**

8 **OF COLOR**

9 **(a) On or before March 1, 2021, the Government Accountability**

10 **Committee shall consult with the Executive Director of Racial Equity, the**

11 **Social Equity Caucus, and the Chief Performance Officer and shall accept**

12 **recommendations from other relevant entities in order to approve by that date**

13 **population-level indicators that demonstrate the quality of life for Vermonters**

14 **who are Black, Indigenous, or People of Color as those indicators relate to the**

15 **population-level quality of life outcomes set forth in 3 V.S.A. § 2311(b).**

16 **(b) Once those indicators are approved by the Government Accountability**

17 **Committee, the Chief Performance Officer shall report on those indicators in**

18 **the State Outcomes Report set forth in 3 V.S.A. § 2311.**

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

Commented [BW39]: 9/17/20

2 **§ 2311. CHIEF PERFORMANCE OFFICER; ANNUAL STATE**

3 **OUTCOMES REPORT**

4 (a) Report.

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

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

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

18 (1) Vermont has a prosperous economy.

19 (2) Vermonters are healthy.

20 (3) Vermont's environment is clean and sustainable.

21 (4) Vermont is a safe place to live.



**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

- 1 (5) Vermont's families are safe, nurturing, stable, and supported.
- 2 (6) Vermont's children and young people achieve their potential.
- 3 (7) Vermont's elders live with dignity and in settings they prefer.
- 4 (8) Vermonters with disabilities live with dignity and in settings they
- 5 prefer.
- 6 (9) Vermont has open, effective, and inclusive government.
- 7 (10) Vermont's State infrastructure meets the needs of Vermonters, the
- 8 economy, and the environment.
- 9 (c) Approving population-level indicators.
- 10 (1) Annually, on or before March 1, a standing committee of the
- 11 General Assembly having jurisdiction over a population-level quality of life
- 12 outcome set forth in subsection (b) of this section or the Chief Performance
- 13 Officer may submit to the Government Accountability Committee a request
- 14 that any population-level indicator related to that outcome be revised.
- 15 (2) If that request is approved by the Government Accountability
- 16 Committee, the Chief Performance Officer shall revise and report on the
- 17 population-level indicator in accordance with that approval and this section.
- 18 (d) The report set forth in this section shall not be subject to the limitation
- 19 on the duration of agency reports set forth in 2 V.S.A. § 20(d).

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

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

Commented [BW40]: 9/15/20. Rep. Donahue request.

2 § 2222. POWERS AND DUTIES; BUDGET AND REPORT

3 \* \* \*

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

Commented [BW41]: 9/17/20.

12 ~~\* \* \* Vermont Crime Information Center \* \* \*~~

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

14 § 2053. COOPERATION WITH OTHER AGENCIES

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

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

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

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

17 \* \* \* Law Enforcement Advisory Board \* \* \*

18 Sec. 21. LEAB; REPEAL FOR RECODIFICATION

19 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

Commented [BW42]: 09/15/20.

Updated terminology 9/17/20.

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

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

2 § 1818. LAW ENFORCEMENT ADVISORY BOARD

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

7 The Board shall review any matter that affects more than one law enforcement  
8 agency. The Board shall comprise the following members:

9 (1) the Commissioner of Public Safety;

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

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

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

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

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

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

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

- 1           (9) a representative of the Vermont League of Cities and Towns,  
2           appointed by the Executive Director of the League;
- 3           (10) a member of the Vermont Police Association, appointed by the  
4           President of the Association;
- 5           (11) the Attorney General or designee;
- 6           (12) a State’s Attorney appointed by the Executive Director of the  
7           Department of State’s Attorneys and Sheriffs;
- 8           (13) the U.S. Attorney or designee;
- 9           (14) the Executive Director of the Vermont Criminal Justice ~~Training~~  
10          Council;
- 11          (15) the Defender General or designee;
- 12          (16) one representative of the Vermont Troopers’ Association or its  
13          successor entity, elected by its membership;
- 14          (17) a member of the Vermont Constables Association, appointed by the  
15          President of the Association; and
- 16          (18) a law enforcement officer, appointed by the President of the  
17          Vermont State Employees Association.
- 18          (b) The Board shall elect a chair and a vice chair, which positions shall  
19          rotate among the various member representatives. Each member shall serve a  
20          term of two years. The Board shall meet at the call of the Chair. A quorum

Commented [BW43]: 9/17/20.

1 shall consist of 10 members, and decisions of the Board shall require the  
2 approval of a majority of those members present and voting.

3 (c) The Board shall undertake an ongoing formal review process of law  
4 enforcement policies and practices with a goal of developing a comprehensive  
5 approach to providing the best services to Vermonters, given monies available.

6 The Board shall also provide educational resources to Vermonters about public  
7 safety challenges in the State.

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

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

15 Sec. 23. LEAB; RECODIFICATION DIRECTIVE

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

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

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

2 ENFORCEMENT SERVICES

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

6 \* \* \* Department of Public Safety; Dispatch \* \* \*

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

9 Subchapter 1. General Provisions

10 § 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER

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

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

20 \* \* \*

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

1 (i) The ~~commissioner of public safety~~ Commissioner of Public Safety may  
2 enter into contractual arrangements to perform dispatching functions for ~~state~~  
3 State, municipal, or other emergency services, ~~establishing charges sufficient~~  
4 ~~to recover the costs of dispatching. Dispatch positions which that are fully~~  
5 ~~funded under such contracts may be authorized under the provisions of~~  
6 ~~32 V.S.A. § 5(b). The Commissioner shall adopt rules that set forth the rates~~  
7 ~~for dispatch functions performed under this subsection.~~

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

12 \* \* \*

13 § 1873. ~~REMOVAL OF COMMISSIONER~~

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

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

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

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

**Commented [BW44]:** 9/17/20. See next section allowing the renewal of contracts containing existing charges, but prohibiting any new fees until the Leg. establishes the fee structure.



**Key:** **Strikethrough** = remove from bill; **Highlighting** = add to bill

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

3                    \* \* \*

4                    § 1875. RADIO COMMUNICATION SYSTEM

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

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

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

20                    (3) Such charges shall be credited to the Vermont ~~communication~~  
21                    ~~system special fund~~ Law Telecommunications Special Fund and shall be

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1 available to the ~~department~~ Department to offset the costs of providing the  
2 services.

3 ~~Sec. 17. DEPARTMENT OF PUBLIC SAFETY; DISPATCH RULES;~~

Commented [BW45]: 9/15/20.

4 ~~ADOPTION AND APPLICATION~~

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

11 **Sec. 26. DEPARTMENT OF PUBLIC SAFETY; PROHIBITION ON NEW**

Commented [BW46]: 9/17/20.

12 **CHARGES TO PERFORM DISPATCH FUNCTIONS UNTIL FEE**

13 **STRUCTURE ENACTED; RECOMMENDATIONS**

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

19 **(b)(1) On or before March 15, 2021, the Department of Public Safety shall**  
20 **hold at least three public hearings and consult with the Vermont League of**  
21 **Cities and Towns, the Emergency Medical Advisory Committee, the Vermont**

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

1 Police Chiefs Association, the Vermont State Firefighters Association, and  
2 local emergency medical services, police, and fire agencies in order to report  
3 by that date to the House Committees on Government Operations and on Ways  
4 and Means and the Senate Committees on Government Operations and on  
5 Finance the Department’s recommendations for an equitable dispatch fee  
6 structure for the Department to charge for dispatching emergency medical  
7 service, police, and fire services, and potential funding mechanisms for those  
8 charges that do not rely on property taxes.

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

14 \* \* \* Emergency Medical Services \* \* \*

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

16 CHAPTER 71. AMBULANCE SERVICES

17 Subchapter 1. Emergency Medical Services Districts

18 § 2651. DEFINITIONS

19 As used in this chapter:

20 \* \* \*

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

1 \* \* \*

2 § 2652. CREATION OF DISTRICTS

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

7 \* \* \*

8 § 2654. RECORDING DETERMINATION OF DISTRICTS

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

12 \* \* \*

13 § 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

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

18 \* \* \*

19 § 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL  
20 SERVICES DISTRICTS

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

6 \* \* \*

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

11 \* \* \*

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

17 \* \* \*

18 Subchapter 2. Licensing Operation of Affiliated Agencies

19 § 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

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



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

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

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

18 (B) identify priorities using information from:

19 (i) the State Health Improvement Plan;

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

4 (iii) the community health needs assessments required by section  
5 9405a of this title;

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

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

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

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

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

18 \* \* \*

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

20 CHAPTER 17. EMERGENCY MEDICAL SERVICES

21 \* \* \*



1 § 903. AUTHORIZATION FOR PROVISION OF EMERGENCY

2 MEDICAL SERVICES

3 Notwithstanding any other provision of law, including provisions of  
4 26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and  
5 licensed to provide emergency medical treatment pursuant to the requirements  
6 of this chapter and the rules adopted under it are hereby authorized to provide  
7 such care without further certification, registration, or licensing.

8 \* \* \*

9 § 904. ADMINISTRATIVE PROVISIONS

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

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

15 \* \* \*

16 § 906. EMERGENCY MEDICAL SERVICES DIVISION;

17 RESPONSIBILITIES

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

20 (1) Developing and implementing minimum standards for training  
21 emergency medical personnel in basic life support and advanced life support,

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

1 and licensing emergency medical personnel according to their level of training  
2 and competence. The Department shall establish by rule at least three levels of  
3 emergency medical personnel instructors and the education required for each  
4 level.

5 \* \* \*

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

9 \* \* \*

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

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

19 \* \* \*

20 (B) An individual licensed by the Commissioner as an emergency  
21 medical technician, advanced emergency medical technician, or ~~a~~ paramedic,

1 who is affiliated with an affiliated agency, shall be able to practice fully within  
2 the scope of practice for such level of licensure as defined by NHTSA 's  
3 National EMS Scope of Practice Model consistent with the license level of the  
4 affiliated agency, and subject to the medical direction of the emergency  
5 medical services district medical advisor.

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

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

21 \* \* \*

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

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

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

15 \* \* \*

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

19 \* \* \*

20 § 906b. ~~TRANSITIONAL PROVISION; CERTIFICATION TO~~  
21 ~~LICENSURE~~

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

6 \* \* \*

7 § 906d. RENEWAL REQUIREMENTS; SUNSET REVIEW

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

12 (1) the renewal requirements of the profession;

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

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

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

19 (b) The Department shall amend its rules or propose any necessary  
20 statutory amendments to revise any emergency medical personnel continuing

**Key:** ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

1 education and other continuing competency requirements that are not  
2 necessary for the protection of the public health, safety, or welfare.

3 \* \* \*

4 § 909. EMS ADVISORY COMMITTEE; EMS EDUCATION COUNCIL

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

8 \* \* \*

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

15 \* \* \*

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

20 \* \* \*

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

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

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

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

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

15       § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

16       (a)(1) Sums for the expenses of the operation of training facilities and  
17       curriculum of the Vermont Fire Service Training Council not to exceed  
18       \$1,200,000.00 per year shall be paid to the Fire Safety Special Fund created by  
19       20 V.S.A. § 3157 by insurance companies; writing fire, homeowners multiple  
20       peril, allied lines, farm owners multiple peril, commercial multiple peril (fire  
21       and allied lines), private passenger and commercial auto, and inland marine

1 policies on property and persons situated within the State of Vermont within  
2 30 days after notice from the Commissioner of Financial Regulation of such  
3 estimated expenses. Captive companies shall be excluded from the effect of  
4 this section.

5 \* \* \*

6 (4) An amount not less than \$150,000.00 shall be specifically allocated  
7 to the Emergency Medical Services Special Fund established under 18 V.S.A.  
8 § 908 for the provision of training programs for certified Vermont EMS first  
9 responders and licensed emergency medical responders, emergency medical  
10 technicians, advanced emergency medical technicians, and paramedics.

11 \* \* \*

12 Sec. 31. TRANSITIONAL EMS PROVISIONS

13 (a) Rules. Except as otherwise provided in this act, on or before July 1,  
14 2021, the Department of Health shall finally adopt or amend the rules required  
15 by this act, unless that deadline is extended by the Legislative Committee on  
16 Administrative Rules pursuant to 3 V.S.A. § 843(c).

17 (b) Ambulance service licenses. The requirements for initial ambulance  
18 service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 27 of this  
19 act shall apply to initial ambulance service license and renewal applicants on  
20 and after July 1, 2021 or on and after the effective date of the Department of



1 Health rules adopted pursuant to that section and subsection (a) of this section,  
2 whichever date is later.

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

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

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

**Key:** **Strikethrough** = remove from bill; **Highlighting** = add to bill

\* \* \* Public Safety Planning \* \* \*

1  
2 ~~Sec. 23|| 20 V.S.A. § 6 is amended to read:~~

Commented [BW47]: 9/17/20.

3 ~~§ 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT;~~

4 ~~— TOWN AND CITY PUBLIC SAFETY PLANS~~

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

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

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

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

4           ~~(b) Except as provided in subsection (d) of this section, each local~~  
5           ~~organization for emergency management shall perform emergency~~  
6           ~~management functions within the territorial limits of the town or city within~~  
7           ~~which it is organized, and, in addition, shall conduct such functions outside of~~  
8           ~~the territorial limits as may be required pursuant to the provisions of this~~  
9           ~~chapter and in accord accordance with such regulations as the governor~~  
10           ~~Governor may prescribe.~~

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

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

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

**Key:** **Strikethrough** = remove from bill; **Highlighting** = add to bill

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

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

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

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

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

20               ~~(C) shall propose any revisions to the current public safety plan that~~  
21       ~~the legislative body deems necessary, and in that case, shall provide public~~

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1 ~~notice of those proposed revisions and hold at least one public hearing on those~~  
2 ~~proposed revisions not less than 30 days after the public notice of them; and~~

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

4 ~~Sec. 24. TRANSITIONAL PROVISION; INITIAL PUBLIC SAFETY PLAN~~

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

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

9 **Sec. 32. REGIONAL PLANNING COMMISSIONS; INVENTORY OF**

10 **MUNICIPAL PUBLIC SAFETY RESOURCES**

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

16 **(b) On or before July 1, 2022, each regional planning commission shall**  
17 **create and report to all of the towns within its jurisdiction one inventory**  
18 **identifying all of the public safety resources that each town within its**  
19 **jurisdiction relies upon for its public safety needs. As part of this inventory,**  
20 **the inventory shall identify:**

Commented [BW48]: 9/17/20.

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1 (1) any mutual aid agreements for public safety resources that its towns

2 may have; and

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

4 (c) As used in this section, "public safety resources" means the law

5 enforcement, fire, emergency medical service, and dispatch entities that

6 provide their services to a town.

7 \* \* \* Effective Dates \* \* \*

8 Sec. 33. EFFECTIVE DATES

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

10 (1) Sec. 4, 20 V.S.A. § 2352 (Council membership) shall take effect on

11 December 1, 2020; and

12 (2) Sec. 19, 3 V.S.A. § 2222 (powers and duties; budget and report)

13 shall take effect on January 1, 2021.

14

15

16

17 (Committee vote: \_\_\_\_\_)

18

\_\_\_\_\_

19

Representative \_\_\_\_\_

20

FOR THE COMMITTEE

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