

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 * * *

Sec. 1. 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, ~~recruit~~ basic training for law enforcement applicants and in-service training for law enforcement officers; and

Commented [BW1]: 9/1/20. Potential technical correction to use the Council’s preferred term “law enforcement applicant” rather than “recruit,” and to clarify that applicants go through “basic training” (whereas certified LEOs must complete annual “in-service training”).

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

Commented [BW2]: 9/15/20. Update to address the Council's duty to professionally regulate LEOs.

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

Commented [BW3]: 9/15/20. Update to address the Council's authority to approve training beyond that provided by the Council.

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

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

Commented [BW4]: [Council membership would have also been amended in 2018, S.273, Sec. 4, but not verbatim to this Sec. 2]

13 § 2352. COUNCIL MEMBERSHIP

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

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

Commented [BW5]: 9/15/20.

17 (B) the Attorney General;

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

20 (D) **the Executive Director of Racial Equity;**

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

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

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

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

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

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

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

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

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

1 compensation; provided, however, that all members of the Council shall be
2 allowed their actual and necessary entitled to receive reimbursement of
3 expenses incurred in the performance of their duties. Per diem compensation
4 and reimbursement of expenses under this subsection shall be made as
5 permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.

6 * * *

7 **Sec. 3. TRANSITIONAL PROVISION TO ADDRESS NEW COUNCIL**

Commented [BW8]: [Same as 2018, S.273, Sec. 4a]

8 MEMBERSHIP

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

13 **(b)** The new membership of the Council shall be appointed on or before
14 November 15, 2020.

Commented [BW9]: 9/15/20.

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

16 § 2355. COUNCIL POWERS AND DUTIES

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

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

Commented [BW10]: [Same as 2018, S.273, Sec. 5]

1

* * *

2

(b)~~(1)~~ The Council shall conduct and administer training schools and offer

Commented [BW11]: [Similar to 2018, S.273, Sec. 5]

3

courses of instruction for law enforcement officers and other criminal justice

4

personnel. The Council shall offer courses of instruction for law enforcement

5

officers in different areas of the State and shall strive to offer nonovernight

6

courses whenever possible.

7

(2) The Council may also offer the basic officer's course for ~~pre-service~~

8

preservice students and educational outreach courses for the public, including

9

firearms safety and use of force.

10

* * *

11

Sec. 5. 20 V.S.A. § 2358 is amended to read:

12

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

13

* * *

14

(b) The Council shall offer or approve basic training and annual in-service

15

training for each of the following three levels of law enforcement officer

16

certification in accordance with the scope of practice for each level, and shall

17

determine by rule the scope of practice for each level in accordance with the

18

provisions of this section:

19

(1) Level I certification.

20

* * *

21

(2) Level II certification.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(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.

Commented [BW12]: [Similar to 2018, S.273, Sec. 7, except that S.273 would have required the Council to have a plan – including an implementation schedule – to structure its training so that Level II LEOs can transition to Level III, whereas this subdiv. (c)(2) requires the Council to structure its programs for an LEO to do so by 7/1/21 using portfolio experiential learning or CLEP testing.]

Commented [BW13]: 9/15/20. Flagging in accordance with Council testimony on 9/11/20.

(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~~ March 1, 2021, the Executive Director of the Vermont Criminal Justice Training Council shall report to the Senate and House Committees on Government Operations regarding the Council's:

Commented [BW14]: 9/15/20.

(1) plan to replace some of its overnight law enforcement training requirements at the Robert H. Wood, Jr. Criminal Justice and Fire Service

Commented [BW15]: [Similar to the report back in 2018, S.273, Sec. 6, except that report would have required the Council to specifically address any budgetary implications.]

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

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

4 (2) changes in the structure of its programs to enable a law enforcement
5 officer to transition from Level II to Level III certification as required by
6 20 V.S.A. § 2358(c)(2) in Sec. 5 of this act.

7 (b) Rules. On or before July 1, 2023, the Council shall finally adopt the
8 rules regarding alternate routes to certification required by 20 V.S.A.
9 § 2355(a)(1) in Sec. 4 of this act, unless that deadline is extended by the
10 Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

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

12 § 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

13 COMPLIANCE

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

20 **§ 7257a(b)**, or the requirement to adopt, follow, or enforce any policy required
21 under this chapter.

Commented [BW16]: Similar to, but not the same as, [2020, Act 147 \(S.219\)](#), Secs. 2 and 3, which require the Sec. of Admin to review grants from State agencies to local LEAs and constables and only approve a grant if the LEA or constable has complied with race data reporting requirements of [20 V.S.A. § 2366\(e\)](#), and to notify LEAs and constables of this requirement.

Conversely, this statute would prohibit LEAs from using Council services if the LEA is not in compliance with the § 2366 requirement to collect roadside stop data or any other policy required under the chapter (exs.: FIP policy in § 2366(a) or the electronic control device (taser) policy in § 2367).

Commented [BW17]: **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. 7.** 20 V.S.A. § 2361 is amended to read:

Commented [BW18]: [Same as 2018, S.273, Sec. 8]

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. 8.** 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.

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 collective bargaining agreement between a law enforcement agency
5 and a law enforcement officer employed by that agency shall not include a
6 prohibition on the exchange of information between the employing agency and
7 another agency about the officer’s performance at the employing agency.

Commented [BW19]: 9/15/20.

8 **Sec. 9. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE**

Commented [BW20]: 9/15/20.

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

14 (b) The provisions in Sec. 8, in 20 V.S.A. § 2362(c), that prohibit a
15 collective bargaining agreement from including a prohibition on the exchange
16 of information between law enforcement agencies about the performance of a
17 law enforcement officer shall not apply to any collective bargaining agreement
18 that took effect prior to the effective date of that section, but shall apply upon
19 the expiration or termination of such an agreement and shall apply to any
20 collective bargaining agreement that takes effect on or after the effective date
21 of that section.

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

1 **Sec. 9a.** 20 V.S.A. § 2368 is added to read:

2 **§ 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERA**~~S~~

3 **POLICY**

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

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

13 **Sec. A.** 20 V.S.A. § 2369 is added to read:

14 **§ 2369. PROHIBITION ON BIOMETRIC MATCHING TECHNOLOGY**

15 **A law enforcement officer is prohibited from using any facial recognition or**
16 **any other biometric matching technology except as authorized under section**
17 **4622 of this title (law enforcement use of drones).**

Commented [BW21]: Similar to, but not the same as, 2020, Act 147 (S.219), Secs. 7 and 8, which require DPS LEOs to use body cameras or other video recording devices, and DPS to immediately acquire and deploy those devices.

However, separately, note that via 2020, Act 147 (S.219), Sec. 1(c)(5), the Leg. committed to working on reviewing the LEAB and ACLU’s model body camera policies, **“and developing a statewide policy for adoption prior to the eff. date of Sec. 7”** (DPS’ LEO requirement to use body cameras), which via Sec. 10(c) is **10/1/20**.

Conversely, this section would require using body cameras consistent **with the LEAB’s policy** beginning 1/1/22.

Potential amendment to clarify that LEAs and LEOs must comply with the LEAB body camera policy if the LEA authorizes its LEOs to use body cams or the LEO uses a body cam.

- **9/15/20**: Subbed Council for LEAB.

Commented [BW22]: **9/15/20**.

Commented [BW23]: See **20 V.S.A. § 2622**, esp. (c) and (d)(2).

1 Sec. 10. 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;~~

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. 10a. 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 **Training Council (Council) shall not be required to submit a verbal progress**

Commented [BW25]: Similar to, but not the same as, 2020, Act 147 (S.219), Sec. 1, which set forth the legislative intent for the General Assembly and its committees to continue to address many of these issues.

Conversely, this section requires specified entities to report back to the Gov Ops committees on various issues.

Commented [BW26]: 9/15/20.

1 **report to those Committees until on or before March 1, 2021 and any**
2 **recommendations for legislative action until on or before April 1, 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 people who**
12 **experience mental conditions and psychiatric disabilities,** and other relevant
13 organizations and individuals in reviewing law enforcement applicants' current
14 written, oral, and psychological examinations for cultural sensitivities and
15 overall appropriateness.

Commented [BW27]: 9/15/20.

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 people who experience mental**
21 **conditions and psychiatric disabilities,** and other relevant stakeholders, shall

Commented [BW28]: 9/15/20.

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

Commented [BW29]: Note that 2020, Act 147 (S.219), Sec.1(c)(4) stated that the Leg. is committed to evaluating whether and how to gather data re: interactions between LEOs and people with mental health issues.

●**9/15/20:** See also the Mental Health Crisis Response Commission in [18 V.S.A. § 7257a](#).

Commented [BW30]: Note that via 2020, Act 147 (S.219), Sec. 1(c)(2), the Leg. committed to working on whether to resituate the Council under the jurisdiction of DPS.

Commented [BW31]: **9/15/20.**

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

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 people who
5 experience mental conditions and psychiatric disabilities, and other interested
6 parties to recommend one or more models of civilian oversight of law
7 enforcement.

Commented [BW32]: 9/15/20.

Commented [BW33]: 9/15/20.

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 people who experience mental
12 conditions and psychiatric disabilities, and other interested parties in order to
13 identify a central point for reporting allegations of law enforcement officer
14 misconduct, which may be the Council or another entity, and how those
15 allegations should be handled.

Commented [BW34]: 9/15/20.

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)(i) The ~~Law Enforcement Advisory Board shall report any~~

3 ~~changes it deems necessary to the Model Body Worn Camera (BWC) Policy~~

4 ~~that it established pursuant to 2016 Acts and Resolves No. 163~~ **Council shall**

5 **recommend a model body camera policy for use by law enforcement agencies**

6 **and officers.**

Commented [BW35]: Note that via 2020, Act 147 (S.219), Sec. 1(c)(5), the Leg. committed to working on reviewing the LEAB and ACLU's model body camera policies," **and developing a statewide policy for adoption prior to the eff. date of Sec. 7**" (DPS' LEO requirement to use body cameras), which via Sec. 10(c) is **10/1/20**.

Conversely, this subdiv. (6)(A) would require LEAB to report back on any recommended changes to its model policy by **1/15/21**. Via Sec. 9a of this bill, LEAs and LEOs would need to comply with the LEAB's policy beginning 1/1/22.

9/15/20: Subbed Council for LEAB.

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 people who experience mental

10 conditions and psychiatric disabilities, and other interested parties, the ~~Board~~

11 **Council** shall specifically recommend policies for responding to public records

12 requests for body camera footage, including any recommended timelines to

13 respond, how and what footage should be redacted, length of footage retention,

14 and storage.

Commented [BW36]: 9/15/20.

15 (B) 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 [BW37]: 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 [BW38]: 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. B. STATE OUTCOMES REPORT; GOVERNMENT**

Commented [BW39]: 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. **C. 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.

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

13 Sec. 11. 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 people who experience mental conditions and psychiatric disabilities, shall
 13 establish and provide training on a uniform list of definitions to be used in
 14 entering data into a law enforcement agency's system of records, and every
 15 law enforcement officer shall use those definitions when entering data into his
 16 or her agency's system.

Commented [BW41]: [2018, S.273, Sec. 13(2) would have required the LEAB to consult with VCIC and others re: how LEAs enter data, and recommend in its annual report to the Leg. how agencies can improve data entry so that crime data is entered uniformly and in a manner that meets VCIC's requirement in this current law statute to have a uniform system of crime records.]

Commented [BW42]: 09/15/20.

17 * * * Law Enforcement Advisory Board * * *

Commented [BW43]: [Similar to 2018, S.273, Secs. 10-13(1), except this bill would add more members to the LEAB.]

18 Sec. 12. LEAB; REPEAL FOR RECODIFICATION

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

1 Sec. 13. 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

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. 14. 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 Council 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. 15. 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. 16. 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 (c) The ~~commissioner of public safety~~ Commissioner may contract for
21 security and related traffic control, and receive reimbursement for reasonable

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

1 costs, which shall include costs associated with providing personnel, benefits,
2 equipment, vehicles, insurances and related expenses. These reimbursements
3 shall be credited to a special fund established pursuant to 32 V.S.A. chapter 7,
4 subchapter 5, and be available to offset costs of providing those services.

5 (d) The ~~commissioner of public safety~~ Commission shall collect fees for
6 the termination of alarms at ~~state police~~ State facilities and for response to false
7 alarms.

8 (e) Termination Fees:

9 * * *

10 (f) False Alarms:

11 * * *

12 (g) Response Terminations:

13 * * *

14 (h) Appeal: An alarm holder may appeal a decision of the station
15 commander to the troop commander.

16 * * *

17 (i) The ~~commissioner of public safety~~ Commissioner of Public Safety may
18 enter into contractual arrangements to perform dispatching functions for ~~state~~
19 State, municipal, or other emergency services, establishing charges sufficient
20 to recover the costs of dispatching. Dispatch positions ~~which~~ that are fully
21 funded under such contracts may be authorized under the provisions of

Commented [BW44]: [2018, S.273, Sec. 14 would have required DPS and the E911 Board to consult with VLCT to propose a plan for a "comprehensive, efficient, and equitably funded public safety dispatch system" to dispatch law enforcement, fire, and EMS statewide.]

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

1 32 V.S.A. § 5(b). ~~The Commissioner shall adopt rules that set forth the rates~~
2 ~~for dispatch functions performed under this subsection.~~

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

7 * * *

8 § 1873. ~~REMOVAL OF COMMISSIONER~~

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

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

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

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

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

19 * * *

Commented [BW45]: 9/15/20. See next section prohibiting charges for the Dept. to perform dispatch services until the Leg. establishes the fee structure.

1 § 1875. RADIO COMMUNICATION SYSTEM

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

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

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

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

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

Commented [BW46]: 9/15/20.

2 ~~ADOPTION AND APPLICATION~~

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

9 **Sec. D. DEPARTMENT OF PUBLIC SAFETY; PROHIBITION ON**

Commented [BW47]: 9/15/20.

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

11 **STRUCTURE ENACTED; RECOMMENDATIONS**

12 **(a) Notwithstanding the provisions of 20 V.S.A. § 1871(i) or any other**
13 **provision of law to the contrary, the Department of Public Safety shall not**
14 **charge to recover the costs of any contractual arrangements to perform**
15 **dispatching functions for State, municipal, or other emergency services until**
16 **the General Assembly enacts in law the fee structure for those charges.**

17 **(b) On or before January 15, 2021, the Department of Public Safety shall**
18 **consult with the Vermont League of Cities and Towns, the Emergency Medical**
19 **Advisory Committee, the Vermont Police Chiefs Association, the Vermont**
20 **State Firefighters Association, and local emergency medical services, police,**
21 **and fire agencies in order to recommend by that date to the House Committees**

1 on Government Operations and on Ways and Means and the Senate
2 Committees on Government Operations and on Finance an equitable dispatch
3 fee structure for the Department to charge for dispatching emergency medical
4 service, police, and fire services and potential funding mechanisms for those
5 charges that do not rely on property taxes.

6 * * * Emergency Medical Services * * *

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

8 CHAPTER 71. AMBULANCE SERVICES

9 Subchapter 1. Emergency Medical Services Districts

10 § 2651. DEFINITIONS

11 As used in this chapter:

12 * * *

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

14 * * *

15 § 2652. CREATION OF DISTRICTS

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

20 * * *

1 § 2654. RECORDING DETERMINATION OF DISTRICTS

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

5 * * *

6 § 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

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

11 * * *

12 § 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL
13 SERVICES DISTRICTS

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

19 * * *

20 (6) monitor the provision of emergency medical services within the
21 district and make recommendations to the ~~State Board~~ Department of Health

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

1 regarding licensure, relicensure, and removal or suspension of licensure for
2 ambulance vehicles, ambulance services, and first responder services;

3 * * *

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

9 * * *

10 Subchapter 2. Licensing Operation of Affiliated Agencies

11 § 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

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

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

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

1 § 2682. POWERS OF ~~STATE BOARD~~ THE DEPARTMENT OF HEALTH

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

4 * * *

5 § 2683. TERM OF LICENSE

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

10 * * *

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

12 § 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE
13 ALLOCATION PLAN

14 * * *

15 (b) The Green Mountain Care Board, in consultation with the Secretary of
16 Human Services or designee, shall publish on its website the Health Resource
17 Allocation Plan identifying Vermont's critical health needs, goods, services,
18 and resources, which shall be used to inform the Board's regulatory processes,
19 cost containment and statewide quality of care efforts, health care payment and
20 delivery system reform initiatives, and any allocation of health resources
21 within the State. The Plan shall identify Vermont residents' needs for health

1 care services, programs, and facilities; the resources available and the
2 additional resources that would be required to realistically meet those needs
3 and to make access to those services, programs, and facilities affordable for
4 consumers; and the priorities for addressing those needs on a statewide basis.
5 The Board may expand the Plan to include resources, needs, and priorities
6 related to the social determinants of health. The Plan shall be revised
7 periodically, but not less frequently than once every four years.

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

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

11 (B) identify priorities using information from:

12 (i) the State Health Improvement Plan;

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

16 (iii) the community health needs assessments required by section
17 9405a of this title;

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

19 ~~(iv)~~(v) materials provided to the Board through its other regulatory
20 processes, including hospital budget review, oversight of accountable care

1 organizations, issuance and denial of certificates of need, and health insurance
2 rate review; and

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

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

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

10 * * *

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

12 CHAPTER 17. EMERGENCY MEDICAL SERVICES

13 * * *

14 § 903. AUTHORIZATION FOR PROVISION OF EMERGENCY
15 MEDICAL SERVICES

16 Notwithstanding any other provision of law, including provisions of
17 26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and
18 licensed to provide emergency medical treatment pursuant to the requirements
19 of this chapter and the rules adopted under it are hereby authorized to provide
20 such care without further certification, registration, or licensing.

21 * * *

1 § 904. ADMINISTRATIVE PROVISIONS

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

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

7 * * *

8 § 906. EMERGENCY MEDICAL SERVICES DIVISION;

9 RESPONSIBILITIES

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

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

18 * * *

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

1

* * *

2

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

3

4

5

(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.

6

7

8

9

10

The rules shall also provide that:

11

* * *

12

(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.

13

14

15

16

17

18

19

(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

20

21

1 psychomotor skills testing for emergency medical responder, or emergency
2 medical technician licensure shall be accomplished either by the demonstration
3 of those skills competencies as part of the education required for that license
4 level as approved by the Department or by the National Registry of Emergency
5 Medical Technicians' psychomotor examination.

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

13 * * *

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

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

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

8 * * *

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

12 * * *

13 § 906b. ~~TRANSITIONAL PROVISION; CERTIFICATION TO~~
14 ~~LICENSURE~~

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

20 * * *

1

* * *

2

(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:

3

4

5

6

7

8

* * *

9

(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;

10

11

12

13

* * *

14

(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.

15

16

17

18

1 by 18 V.S.A. § 906(1) in Sec. 20 of this act shall be deemed to be licensed at
2 the level that is consistent with the scope of practice of the new license levels.

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

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

14 * * * Public Safety Planning * * *

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

16 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT;

17 TOWN AND CITY PUBLIC SAFETY PLANS

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

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

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

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

15 (b) Except as provided in subsection (d) of this section, each local
16 organization for emergency management shall perform emergency
17 management functions within the territorial limits of the town or city within
18 which it is organized, and, in addition, shall conduct such functions outside of
19 the territorial limits as may be required pursuant to the provisions of this
20 chapter and in ~~accord~~ accordance with such regulations as the ~~governor~~
21 Governor may prescribe.

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

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

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

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

18 (1) Concurrently with its annual notification required under subsection
19 (d) of this section, each local organization shall analyze the law enforcement,
20 fire, emergency medical service, and dispatch resources, needs, scarcities,

1 costs, and problems within the municipality and report that information to its
2 legislative body.

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

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

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

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

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

15 Sec. 24. TRANSITIONAL PROVISION; INITIAL PUBLIC SAFETY PLAN

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

19 Sec. 25. [Deleted.]

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

1
2
3
4
5
6
7
8
9
10
11
12
13

* * * Effective Date * * *

Sec. 26. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE