

1 Introduced by Committee on Government Operations

2 Date:

3 Subject:

4 Statement of purpose of bill as introduced: This bill proposes to create the Agency
5 of Public Safety.

6

7 An act creating an Agency of Public Safety

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

10 **Sec. 1.** 3 V.S.A. chapter 69, subchapter 1 is added to read:

Commented [JJ1]: Effective on passage

11

Chapter 69. Agency of Public Safety

12

Subchapter 1. Generally

13

§ 6001. Definitions.

14

(1) "Agency" means the Agency of Public Safety.

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(2) "Commissioner" means the head of a department responsible to the

16

Secretary for the administration of the department.

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(3) "Department" means a major component of the Agency.

18

(4) "Director" means the head of a division of the Agency.

1 (5) “Division” means a major component of a department engaged in
2 furnishing services to the public or to units of government at levels other
3 than the State level.

4 (6) “Secretary” means the head of the Agency, a member of the Governor’s
5 Cabinet, who is responsible to the Governor for the administration of the
6 Agency.

7 **§ 6002. Creation of Agency**

8 (a) There is hereby created an Agency of Public Safety for the purpose of
9 consolidating certain existing police and investigating agencies, to promote
10 the detection and prevention of crime generally, to participate in searches for
11 lost or missing persons, to assist in cases of state-wide or local disasters or
12 emergencies, provide administrative and operational support for the state’s
13 police and fire service training facilities, provide administrative and
14 operational support for boards, commissions and councils attached to the
15 Agency for administrative support and investigate statewide incidents of
16 police officer uses of force and police misconduct allegations and generally
17 support state wide efforts to modernize and reform law enforcement through
18 standardized training, policy adoption and implementation, data reporting and
19 technology and innovation.

1 The Agency shall, in addition to such other law enforcement duties as are
2 hereinafter set forth, administer and enforce the law pertaining to the following
3 subjects:

- 4 (1) The patrol of highways and the operation of traffic thereon;
5 (2) The identification and records division;
6 (3) The office of state fire marshal; and
7 (4) Such other duties and law enforcement obligations as may be assigned by
8 law.

9 (b) The Agency of Public Safety shall consist of the following:

10 (1) The Department of Law Enforcement, which shall include the Division of
11 the Vermont State Police .

12 (2) The Department of Fire Safety and Emergency Management.

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14

15 (3) The Division of Support Services.

16

17 (c) The following units are attached to the Agency for administrative support:

18 (1) Fire Service Training Council.

19 (2) Law Enforcement Advisory Board.

20 (3) State Police Advisory Commission.

1 (4) Search and Rescue Council.

2 (5) Animal Cruelty Investigation Advisory Board.

3 (6) Electricians Licensing Board

4 (7) Elevator Safety Review Board

5 (8) State Emergency Response Commission.

6 (9) Plumbers Examining Board.

7 (10) Governor's Emergency Preparedness Advisory Council

8 **§ 6003. Advisory capacity**

9 (a) All boards and commissions which under this chapter are a part of or are
10 attached to the Agency shall be advisory only, except as hereinafter provided, and
11 the powers and duties of the boards and commissions, including administrative,
12 policy making, and regulatory functions, shall vest in and be exercised by the
13 Secretary of the Agency.

14 (b) Notwithstanding subsection (a) of this section, Boards of registration
15 attached to this Agency shall retain and exercise all existing authority with respect
16 to licensing and maintenance of the standards of the persons registered.

17
18 **§ 6004. Personnel designation**

19 The Secretary, Deputy Secretary, commissioners, deputy commissioners,
20 attorneys, Directors of the Division of Emergency Management, the Inspection

1 Division and the Fire Safety Division; , and all members of boards, committees,
2 commissions, or councils attached to the Agency for support are exempt from the
3 classified State service. Except as authorized by section 311 of this title or
4 otherwise by law, all other positions shall be within the classified service.

5 *Subchapter 2: Secretary*

6 **§ 6021. Appointment and duties generally**

7 (a) The Agency shall be under the direction and supervision of a Secretary,
8 who shall be appointed by the Governor with the advice and consent of the
9 Senate and shall serve at the pleasure of the Governor.

10 (b) The Secretary shall be the chief enforcement officer of all the statutes, rules
11 and regulations pertaining to the law of the road and the display of lights on
12 vehicles. In addition, the Secretary shall supervise and direct the activities of the
13 state police and of the Vermont criminal information center and, as fire marshal,
14 be responsible for enforcing the laws pertaining to the investigation of fires, the
15 prevention of fires, the promotion of fire safety, and the delivery of fire service
16 training.

17
18 **§ 6022. Budget and report**

19 The Secretary shall be responsible to the Governor and shall plan, coordinate,
20 and direct the functions vested in the Agency.

1 **§ 6023. Deputy Secretary**

2 (a) The Secretary, with the approval of the Governor, may appoint a deputy to
3 serve at his or her pleasure and to perform such duties as the Secretary may
4 prescribe. The Deputy shall be exempt from the classified service. The
5 appointment shall be in writing and shall be filed in the Office of the Secretary
6 of State.

7 (b) The Deputy Secretary shall discharge the duties and responsibilities of the
8 Secretary in the Secretary's absence. In case a vacancy occurs in the office of
9 the Secretary, the Deputy shall assume and discharge the duties of office until
10 the vacancy is filled.

11 **§ 6024. Advisory councils or committees**

12 The Secretary, with the approval of the Governor, may create such advisory
13 councils or committees as he or she deems necessary within the Agency, and
14 appoint their members for terms not exceeding his or hers.

15 **§ 6025. Transfer of personnel and appropriations**

16 (a) The Secretary, with the approval of the Governor, may transfer classified
17 positions between State departments and other components of the Agency,
18 subject to personnel laws and rules.

19 (b) Notwithstanding subsection (a) above, members from different divisions
20 of the Department of Law Enforcement shall not be reassigned or transferred

1 outside of their division unless the member requests a transfer and the
2 Commissioner approves the transfer.

3 (c) The Secretary, with the approval of the Governor, may transfer
4 appropriations or parts thereof between departments and other components in
5 the Agency, consistent with the purposes for which the appropriation was
6 made.

7 **Subchapter 3: Commissioners and Directors**

8 **§ 6051. Commissioners; deputy commissioners; appointment; term**

9 (a) The Secretary, with the approval of the Governor, shall appoint a
10 commissioner of each department, who shall be the chief executive and
11 administrative officer and shall serve at the pleasure of the Secretary.

12 **§ 6052. Mandatory duties**

13 (a) The commissioner shall exercise the powers and perform the duties
14 required for the effective administration of the Department.

15 (b) The commissioner, with the approval of the governor, shall so organize and
16 arrange the department as will best and most efficiently promote its work and
17 carry out the objectives of this chapter. To that end, the commissioner may,
18 with such approval, establish grades, ranks, and positions to be held by
19 members, and formulate, put into effect, alter, and repeal rules and regulations
20 for the administration of the department.

1 (c) In addition to other duties imposed by law, the commissioner shall:

2 (1) administer the laws assigned to the department;

3 (2) coordinate and integrate the work of the divisions;

4 (3) supervise and control all staff functions.

5 **§ 6053. Permissive duties; approval of Secretary**

6 The commissioner may, with the approval of the Secretary:

7 (1) From time to time, in accordance with the rules adopted by the
8 commissioner, designate or change the rank or grade to be held by a member.

9 The commissioner may assign or transfer members within a division to serve
10 at such stations and, to perform such duties as the commissioner shall
11 designate. Provided however, members from different divisions of the
12 Department of Law Enforcement shall not be reassigned or transferred outside
13 of their division unless the member requests a transfer and the Commissioner
14 approves the transfer. The commissioner may determine what members other
15 than state police shall give bonds, and prescribe the conditions and amount.

16 (2) Transfer classified positions within or between divisions except as set
17 forth in subsection (1) above and subject to State personnel laws and
18 regulations.

19 (3) Cooperate with the appropriate federal agencies and administer federal
20 funds in support of programs within the department.

1 (4) Submit plans and reports, and in other respects comply with federal
2 law and regulations which pertain to programs administered by the
3 department.

4 (5) Make rules and policies consistent with law for the internal
5 administration of the department and its programs.

6 (6) Appoint a deputy commissioner.

7 (7) Provide training and instructions for any employees of the
8 department, at the expense of the department, in educational institutions or
9 other places.

10 (8) Organize, reorganize, transfer, or abolish divisions, staff functions or
11 sections within the department.

12 (9) Notwithstanding anything to the contrary in this chapter, the
13 Divisions within the Department of Law Enforcement may not be abolished or
14 transferred.

15 **§ 6054. Directors**

16 (a) A director shall administer each division within the Agency. The
17 commissioners, with the approval of the Secretary, shall appoint the directors
18 for divisions which are part of a department, and the Secretary shall appoint
19 any other directors. Each division and its officers shall be under the direction

1 and control of the appointing authority except with regard to the quasi-judicial
2 acts or duties vested in them by law.

3 (b) No rule or policy may be issued by a director of a division without the
4 approval of the appointing authority.

5 **Subchapter 4: Departments, Divisions, And Boards**

6 **§ 6081. Department of Law Enforcement**

7 The Department of Law Enforcement is created within the Agency of Public
8 Safety.

9 **§ 6082. Department of Fire Safety and Emergency Management**

10 The Department of Fire Safety and Emergency Management is created within
11 the Agency of Public Safety.

12 **§ 6083. Division of Support Services**

13 (a) The Division of Support Services of the Agency is created within the
14 Agency of Public Safety. It shall be administered by the Deputy Secretary of
15 the Agency.

16 (b) The Division of Support Services shall provide the following services to
17 the Agency and all its components, including components assigned to it for
18 administration:

19 (1) personnel administration;

20 (2) financing and accounting activities;

1 (3) coordination of filing and records maintenance activities;

2 (4) provision of facilities, office space, and equipment and the care
3 thereof;

4 (5) requisitioning from the Department of Buildings and General Services
5 of the Agency of Administration, of supplies, equipment, and other
6 requirements;

7 (6) management improvement services;

8 (7) training;

9 (8) communications, including dispatch and radio technology;

10 (9) fleet services;

11 (8) information systems and technology, including the VT Crime
12 Information Center and the Sex Offender Registry; and

13 (9) other administrative functions assigned to it by the Secretary.

14 (c) Other provisions of the law notwithstanding, all administrative service
15 functions delegated to other components of the Agency shall be performed within
16 the Agency by the Division of Support Services.

17 ***Criminal Justice Council***

18 Sec. 2. Title 3, Chapter 69 is hereby amended to read:

Commented [JJ2]: Effective 7/1/22

19 ***

20 **§ 6002. Creation of Agency**

1 (a) There is hereby created an Agency of Public Safety for the purpose of
2 consolidating certain existing police and investigating agencies, to promote
3 the detection and prevention of crime generally, to participate in searches for
4 lost or missing persons, to assist in cases of state-wide or local disasters or
5 emergencies, provide administrative and operational support for the state
6 police and fire service training facilities, provide administrative and
7 operational support for the Criminal Justice Council and other boards,
8 commissions and councils attached to the Agency for administrative support
9 and investigate statewide incidents of police officer uses of force and police
10 misconduct allegations and generally support state wide efforts to modernize
11 and reform law enforcement through standardized training, policy adoption
12 and implementation, data reporting and technology and innovation.

13 ***

14
15 (c) The following units are attached to the Agency for administrative support:

- 16 (1) Fire Service Training Council.
17 (2) Law Enforcement Advisory Board.
18 (3) State Police Advisory Commission.
19 (4) Search and Rescue Council.
20 (5) Animal Cruelty Investigation Advisory Board.

1 (6) Electricians Licensing Board

2 (7) Elevator Safety Review Board

3 (8) State emergency Response Commission.

4 (9) Plumbers Examining Board.

5 (10) Criminal Justice Council.

6 (11) Council Advisory Committee.

7 ***

8 **§ 6003. Advisory capacity**

9 (a) All boards and commissions which under this chapter are a part of or are
10 attached to the Agency shall be advisory only, except as hereinafter provided, and
11 the powers and duties of the boards and commissions, including administrative,
12 policy making, and regulatory functions, shall vest in and be exercised by the
13 Secretary of the Agency.

14 (b) Notwithstanding subsection (a) of this section, the Criminal Justice Council
15 shall retain and exercise all powers and functions given to the Council by law other
16 than those of an administrative nature, including the power to develop training and
17 training delivery methodology, administer professional standards, conduct
18 investigations and hearings, to adjudicate law enforcement officer conduct, and to
19 issue and enforce orders, in the manner and to the extent provided by law. Boards
20 of registration attached to this Agency shall retain and exercise all existing

1 authority with respect to licensing and maintenance of the standards of the persons
2 registered.

3

4 **§ 6004. Personnel designation**

5 The Secretary, Deputy Secretary, commissioners, deputy commissioners,
6 attorneys, Directors of Division of Emergency Management and Homeland
7 Security, Inspection Division and Fire Safety Division; and Criminal Justice
8 Council, and all members of boards, committees, commissions, or councils
9 attached to the Agency for support are exempt from the classified State service.

10 Except as authorized by section 311 of this title or otherwise by law, all other
11 positions shall be within the classified service.

12

13 **§ 6054. Directors**

14 (a) A director shall administer each division within the Agency. The
15 commissioners, with the approval of the Secretary, shall appoint the directors
16 for divisions which are part of a department, and the Secretary shall appoint
17 any other directors. Each division and its officers shall be under the direction
18 and control of the appointing authority except with regard to the quasi-judicial
19 acts or duties vested in them by law.

1 (b) The Secretary shall appoint the Director of the Criminal Justice Council in
2 consultation with the Council. The Director shall not be under the direction
3 and control of the appointing authority except with regard to the budget and
4 other administrative powers and functions given to the Director or the Council
5 by law.

6 (bc) No rule or policy may be issued by a director of a division without the
7 approval of the appointing authority.

8 ***

9 Sec. 3. 20 V.S.A. chapter 151, subchapter 1 is amended as follows:

10 ***

11 **§ 2351a. Definitions**

12 As used in this chapter:

13 ****

14 (3) "Law enforcement officer" means a member of the ~~Department~~
15 Agency of Public Safety who exercises law enforcement powers; a member
16 of the State Police; a Capitol Police officer; a municipal police officer; a
17 constable who exercises law enforcement powers; a Motor Vehicle
18 Inspector; an employee of the Department of Liquor and Lottery who
19 exercises law enforcement powers; an investigator employed by the
20 Secretary of State; a Board of Medical Practice investigator employed by the

1 Department of Health; an investigator employed by the Attorney General or
2 a State's Attorney; a fish and game warden; a sheriff; a deputy sheriff who
3 exercises law enforcement powers; a railroad police officer commissioned
4 pursuant to 5 V.S.A. chapter 68, subchapter 8; a police officer appointed to
5 the University of Vermont's Department of Police Services; or the provost
6 marshal or assistant provost marshal of the Vermont National Guard.

7 ***

8 (5) "Secretary" means the Secretary of the Agency of Public Safety.

9 **§ 2352. Council membership**

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

11 (A) ~~the Commissioners of~~ Secretary, or designee and the
12 Commissioners Public Safety, of Corrections, of Motor Vehicles, of Fish and
13 Wildlife, and of Mental Health;

14 (B) the Attorney General;

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

17 (D) the Executive Director of Racial Equity;

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

1 (F) a member of the Vermont Police Association, elected by its
2 membership;

3 (G) a member of the Chiefs of Police Association of Vermont,
4 appointed by the President of the Association;

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

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

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

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

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

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

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

1 ****

2 **§ 2355. Council powers and duties**

3 ***

4 (c)(1) The Council shall advise on and assist the Secretary with the selection
5 of appoint, subject to the approval of the Governor, an Executive Director who
6 shall be an exempt State employee, and who shall hold office during the
7 pleasure of the Council.

8 ~~(2)~~(A) The Executive Director shall perform such duties as may be
9 assigned by the Council.

10 (B) The Executive Director shall submit a budget to the Secretary.

11 (C) The Executive Director may appoint officers, employees, agents,
12 and consultants as he or she may deem necessary and prescribe their duties,
13 with the approval of the Secretary in consultation with the Council.

14 (3) The Executive Director is entitled to compensation as established by
15 law and reimbursement for expenses within the amounts available by
16 appropriation.

17 ****

18 **§ 2364. State police, basic training**

19 Basic training programs for Vermont state police officers, including
20 curriculum, location, duration, and selection of instructors and other personnel,

1 shall be developed and conducted by the Secretary ~~commissioner of the~~
2 ~~department of public safety~~ and submitted to the criminal justice training
3 council for approval in accordance with the minimum standards promulgated
4 by rule under this chapter.

5
6 Sec. 4. Provisions for the Transition of the Criminal Justice Council

7
8 (a) All financial assets and liabilities of the Criminal Justice Council and
9 Vermont Police Academy, including all appropriations associated with the
10 positions transferred pursuant to subsection (b) below, shall transfer to the
11 Agency of Public Safety.

12 (b) All authorized positions and equipment, supplies and inventory of the
13 Criminal Justice Council are transferred to the Agency of Public Safety.

14 (c) The Criminal Justice Council shall have the administrative, technical, and
15 legal assistance of the Agency of Public Safety.

16 (d) The rules of the Criminal Justice Council shall become a subtitle under the
17 rules of the Agency of Public Safety.

18
19 *** Vermont Enhanced 911 Board and Department of Motor Vehicles

20 Enforcement Officers ***

1 **Sec 5.** Title 3, Chapter 69 is hereby amended as follows:

Commented [JJ3]: Effective 7/1/22

2 **§ 6002. Creation of Agency**

3 (a) There is hereby created an Agency of Public Safety for the purpose of
4 consolidating certain existing police, investigating and emergency
5 communications agencies, to promote the detection and prevention of crime
6 generally, to participate in searches for lost or missing persons, to assist in
7 cases of state-wide or local disasters or emergencies, provide administrative
8 and operational support for the state police and fire service training facilities,
9 provide administrative and operational support for the Criminal Justice
10 Council, the Enhanced 911 Board and other boards, commissions and
11 councils attached to the Agency for administrative support and investigate
12 statewide incidents of police officer uses of force and police misconduct
13 allegations and generally support state wide efforts to modernize and reform
14 law enforcement through standardized training, policy adoption and
15 implementation, data reporting and technology and innovation.

16 (b) The Agency of Public Safety shall consist of the following:

17 (1) The Department of Law Enforcement which shall include the Division of
18 the Vermont State Police and the Division of Motor Vehicle Enforcement.

19 (2) The Department of Fire Safety and Emergency Management.

20 (3) The Division State Police

1 (4) The Division of Emergency Management.

2 (5) The Division of Support Services.

3
4
5 (c) The following units are attached to the Agency for administrative support:

6 (1) Fire Service Training Council.

7 (2) Law Enforcement Advisory Board.

8 (3) State Police Advisory Commission.

9 (4) Search and Rescue Council.

10 (5) Animal Cruelty Investigation Advisory Board.

11 (6) Electricians Licensing Board

12 (7) Elevator Safety Review Board

13 (8) State emergency Response Commission.

14 (9) Plumbers Examining Board.

15 (10) Criminal Justice Council.

16 (11) Council Advisory Committee.

17 (12) Enhanced 911 Board.

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19 ***

20 **§ 6004. Personnel designation**

1 The Secretary, Deputy Secretary, commissioners, deputy commissioners,
2 attorneys, Directors of Division of Emergency Management, Inspection Division,
3 Fire Safety Division, and Division of Motor Vehicle Enforcement; ~~and~~ Criminal
4 Justice Council; and the Enhanced 911 Board, and all members of boards,
5 committees, commissions, or councils attached to the Agency for support are
6 exempt from the classified State service. Except as authorized by section 311 of
7 this title or otherwise by law, all other positions shall be within the classified
8 service.

9 ***

10 **§ 6054. Directors**

11 ***

12 (c) Notwithstanding subsection (a) of this section, the Secretary shall appoint
13 the Director of the Enhanced 911 Board in consultation with the Board. The
14 Director shall not be under the direction and control of the appointing
15 authority except with regard to the budget and other administrative powers and
16 functions given to the Director or the Board by law.

17
18 (de) No rule or policy may be issued by a director of a division without the
19 approval of the appointing authority.

20 Sec. 6. 30 V.S.A., chapter 87, is amended to read:

1 Chapter 87. Enhanced 911; Emergency Services

2 ***

3 **§ 7051. Definitions**

4 As used in this chapter:

5 ****

6 (17) “Secretary” means the Secretary of the Agency of Public Safety.

7 **§ 7052. Vermont Enhanced 911 Board**

8 ***

9 (b) The Board shall consist of nine members: one county law enforcement officer
10 elected by the membership of the Vermont State Sheriffs’ Association; one
11 municipal law enforcement officer elected by the Vermont Association of Chiefs
12 of Police; one official of a municipality; a firefighter; an emergency medical
13 services provider; ~~an Department~~ Agency of Public Safety representative; and
14 three members of the public. Board members shall be appointed by the Governor
15 to three-year terms, except that the Governor shall stagger initial appointments so
16 that the terms of no more than four members expire during a calendar year. In
17 appointing Board members, the Governor shall give due consideration to the
18 different geographical regions of the State, and the need for balance between rural
19 and urban areas. Board members shall serve at the pleasure of the Governor.

20 ***

1 (e) The Board shall advise on and assist the Secretary with the selection of the
2 Executive Director who shall hold office at the pleasure of the Board. The
3 Executive Director ~~He or she~~ shall perform such duties as may be assigned by the
4 Board. The Executive Director is entitled to compensation, as established by law,
5 and reimbursement for the expenses within the amounts available by appropriation.
6 The Executive Director may, with the approval of the Secretary Board, hire
7 employees, agents, and consultants and prescribe their duties. The Executive
8 Director shall submit a budget to the Secretary.

9

10 **§ 7053. Board; responsibilities and powers**

11 (a) The Board shall be the single governmental agency responsible for statewide
12 Enhanced 911 pursuant to Chapter 87 of this Title, and Title 3 Vermont Statutes
13 Annotated, Chapter 69. To the extent feasible, the Board shall consult with the
14 Agency of Human Services, the ~~Department~~ Agency of Public Safety, the
15 Department of Public Service, and local community service providers on the
16 development of policies, system design, standards, and procedures. The Board
17 shall develop designs, standards, and procedures and shall adopt rules on the
18 following:

19

20 **§ 7054. Funding**

1 (d) Disbursements from the Enhanced 911 Fund shall be made by the
2 State Treasurer on warrants drawn by the Director, with the consent of the
3 Secretary, solely for the purposes specified in this chapter. The Director may
4 issue such warrants pursuant to contracts or grants.

5 (e) Disbursements may be made for:

6 (1) nonrecurring costs, including establishing public safety answering
7 points, purchasing network equipment and software, developing databases,
8 and providing for initial training and public education;

9 (2) recurring costs, including network access fees and other telephone
10 charges, software, equipment, database management and improvement,
11 public education, ongoing training, and equipment maintenance;

12 (3) expenses of the Board and the Agency incurred under this chapter;

13 (4) costs solely attributable to statewide public safety answering point
14 operations; and

15 (5) costs attributable to demonstration projects designed to enhance the
16 delivery of emergency 911 and other emergency services.

17 ***

18 Sec. 7. Provisions for the Transition of the Enhanced 911 Board

19

1 (a) All financial assets and liabilities of the Enhanced 911 Board, including all
2 appropriations associated with the positions transferred pursuant to subsection
3 (b) below, shall transfer to the Agency of Public Safety.

4 (b) All authorized positions and equipment, supplies and inventory of the
5 Enhanced 911 Board are transferred to the Agency of Public Safety.

6 (c) The Enhanced 911 Board shall have the administrative, technical, and legal
7 assistance of the Agency of Public Safety.

8 (d) The rules of the Enhanced 911 Board shall become a subtitle under the
9 rules of the Agency of Public Safety.

10
11 Sec 8. Title 23, Chapter 1 is hereby amended to read:

12 **§ 1. Administration and enforcement of title**

13 The Commissioner of Motor Vehicles and the Secretary of the Agency
14 ~~Commissioner~~ of Public Safety shall enter into a Memorandum of
15 Understanding to ensure that enforcement needs of the Department of Motor
16 Vehicles, the Agency of Public Safety, Department of Law Enforcement,
17 and Division of Motor Vehicles are achieved. ~~the cooperate in carrying out~~
18 ~~all the statutes and rules adopted to implement the provisions of this title to~~
19 ~~achieve the most efficient and economical administration. In case of~~
20 ~~disagreement as to division of work, the Governor shall decide.~~

1 Sec. 9. 23 V.S.A., chapter 15, is amended to read:

2 Chapter 15. Powers of Enforcement Officers

3 **§ 1600. Definition**

4 Notwithstanding subdivision 4(4) of this title, as used in this chapter,
5 "Commissioner" means the Commissioner of the Agency Public Safety,
6 Department of Law Enforcement.

7 ***

8 **§ 1607. Automated license plate recognition systems**

9 ***

10 (d) Retention.

11 (1) Any ALPR information gathered by a Vermont law enforcement
12 agency shall be sent to the Agency ~~Department~~ of Public Safety to be
13 retained pursuant to the requirements of subdivision (2) of this subsection.
14 The Agency ~~Department~~ of Public Safety shall maintain the ALPR storage
15 system for Vermont law enforcement agencies.

16 (2) Except as provided in this subsection and section 1608 of this title,
17 information gathered by a law enforcement officer through use of an ALPR
18 system shall only be retained for 18 months after the date it was obtained.
19 When the permitted 18-month period for retention of the information has
20 expired, the Agency ~~Department~~ of Public Safety and any local law

1 enforcement agency with custody of the information shall destroy it and
2 cause to have destroyed any copies or backups made of the original data.
3 Data may be retained beyond the 18-month period pursuant to a preservation
4 request made or disclosure order issued under section 1608 of this title or
5 pursuant to a warrant issued under Rule 41 of the Vermont or Federal Rules
6 of Criminal Procedure.

7 (e) Oversight; rulemaking.

8 (1) The ~~Agency Department~~ of Public Safety, in consultation with the
9 Department of Motor Vehicles, shall establish a review process to ensure
10 that information obtained through use of ALPR systems is used only for the
11 purposes permitted by this section. The ~~Agency Department~~ of Public Safety
12 shall report the results of this review annually on or before January 15 to the
13 Senate and House Committees on Judiciary and on Transportation. The
14 report shall contain the following information based on prior calendar year
15 data:

16 (A) the total number of ALPR units being operated by government
17 agencies in the State, the number of such units that are stationary, and the
18 number of units submitting data to the statewide ALPR database;

1 (B) the number of ALPR readings each agency submitted, and the
2 total number of all such readings submitted, to the statewide ALPR
3 database;

4 (C) the 18-month cumulative number of ALPR readings being
5 housed on the statewide ALPR database as of the end of the calendar year;

6 (D) the total number of requests made to VIC for historical data, the
7 average age of the data requested, and the number of these requests that
8 resulted in release of information from the statewide ALPR database;

9 (E) the total number of out-of-state requests to VIC for historical
10 data, the average age of the data requested, and the number of out-of-state
11 requests that resulted in release of information from the statewide ALPR
12 database;

13 (F) the total number of alerts generated on ALPR systems operated
14 by law enforcement officers in the State by a match between an ALPR
15 reading and a plate number on an alert database and the number of these
16 alerts that resulted in an enforcement action;

17 (G) the total number of criminal, missing person, and commercial
18 motor vehicle investigations and enforcement actions to which active data
19 contributed, and a summary of the nature of these investigations and
20 enforcement actions;

1 (H) the total number of criminal, missing person, and commercial
2 motor vehicle investigations and enforcement actions to which historical
3 data contributed, and a summary of the nature of these investigations and
4 enforcement actions; and

5 (I) the total annualized fixed and variable costs associated with all
6 ALPR systems used by Vermont law enforcement agencies and an estimate
7 of the total of such costs per unit.

8 (2) Before January 1, 2018, the ~~Agency Department~~ of Public Safety
9 shall adopt rules to implement this section.

10 Sec. 10. Provisions for the Transition of the Department of Motor Vehicles
11 Enforcement Officers.

12 (a) All duties, obligations, responsibilities and authority of the certified law
13 enforcement officers in the Department of Motor Vehicles (“DMV”) Enforcement
14 Division under Title 19 and Title 23 Vermont Statutes Annotated, Chapter 15 and
15 applicable rules, are hereby transferred to the Agency of Public Safety, Department
16 of Law Enforcement, Division of Motor Vehicle Enforcement.

17
18 (b) All financial assets and liabilities of the DMV Enforcement Division, including
19 all appropriations associated with the positions transferred shall be transferred to

1 the Agency of Public Safety, Department of Law Enforcement, Division of Motor
2 Vehicle Enforcement.

3
4 (c) All authorized positions, functions, equipment, supplies and inventory of the
5 certified law enforcement officers of the DMV Enforcement Division are
6 transferred to the Agency of Public Safety Department of Law Enforcement,
7 Division of Motor Vehicle Enforcement.

8
9 (d) The rules of the Agency of Transportation and DMV relating to the
10 responsibilities and duties of enforcement officers shall be the rules of the Agency
11 of Public Safety, Division of Motor Vehicle Enforcement.

12
13 (e) The certified law enforcement officers transferred to the Agency of Public
14 Safety shall maintain their relationships with and support of the Department of
15 Motor Vehicles, other components of Federal, State and municipal government,
16 and private sector collaborations.

17
18 ***Agency of Law Enforcement***

19 Sec. 11. 3 V.S.A. § 212 is amended to read:

20 § 212. DEPARTMENTS CREATED

1 ***

2 (18) ~~The Department of Public Safety [Repealed.]~~

3 Sec. 12. 20 V.S.A. §§ 1811 - 1813 of Title 3, Chapter 111 are hereby repealed.

4 Sec. 13. 20 V.S.A. Chapter 111 is hereby amended to read:

5 **§ 1814. Cooperation generally**

6 The ~~department~~ Agency shall cooperate and exchange information with any other
7 department or authority of the state or with other police forces, both within and
8 without this state, including federal authorities, for the purpose of preventing and
9 detecting crime and apprehending criminals.

10
11 **§ 1815. Availability of photographic prints or photostatic copies**

12 (a) Photographic prints taken by the ~~department~~ Agency of ~~Public Safety~~ or
13 photostatic copies of investigation reports or other material on file relating to
14 motor vehicle accidents or fires, may be furnished to any interested person.

15 ***

16 (2) The ~~commissioner~~ Secretary of ~~Public Safety~~ is authorized to collect fees
17 sufficient to recover the costs associated with the processing of photographic films
18 for criminal justice agencies. Such costs include the cost of materials, labor and
19 machine time related to the processing of films by the department.

20 ***

1 (4) Investigation reports unrelated to fires or motor vehicle accidents may be
2 furnished at the discretion of the ~~commissioner~~ Secretary when the ~~commissioner~~
3 Secretary determines that the release of the material would not be detrimental to
4 the best interests of the ~~department~~ Agency. The fee for each report is \$20.00. If
5 the reports contain audiotape or videotape, the fee for each audiotape or videotape
6 is \$45.00.

7 ***

8 (b) Fees collected under this section shall be credited to the sale of photos and
9 reports special fund and shall be available to the ~~department~~ Agency to offset the
10 cost of providing the services.

11 ***

12 **§ 1818. Law Enforcement Advisory Board**

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

20 (1) the Secretary ~~Commissioner~~ of the Agency of Public Safety;

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

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

4 (4) the Director of the Division of the Department of Motor Vehicles;

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

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

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

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

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

13 ~~(940)~~ a member of the Vermont Police Association, appointed by the
14 President of the Association;

15 ~~(1044)~~ the Attorney General or designee;

16 ~~(1142)~~ a State's Attorney appointed by the Executive Director of the
17 Department of State's Attorneys and Sheriffs;

18 ~~(1243)~~ the U.S. Attorney or designee;

19 ~~(1344)~~ the Executive Director of the Vermont Criminal Justice Council;

20 ~~(1445)~~ the Defender General or designee;

1 (1516) one representative of the Vermont Troopers' Association or its
2 successor entity, elected by its membership;

3 (1617) a member of the Vermont Constables Association, appointed by
4 the President of the Association; and

5 (1718) a law enforcement officer, appointed by the President of the
6 Vermont State Employees Association.

7 ***

8 **§ 1819. Equipment of officers with video recording devices**

9 The ~~Agency~~ Department shall ensure that all members assigned to the
10 Vermont State Police Field Force Division and uniformed Motor Vehicle
11 Enforcement officers who routinely engage with members of the public
12 related to the enforcement of laws are equipped with a body camera or other
13 video recording device on his or her person.

14
15 Sec. 14. 20 V.S.A. ~~Part 5~~, Chapter 113 is amended to read:

16 Chapter 113. ~~Commissioner~~ Secretary and Members

17 **§ 1871. Contracting** ~~Department~~ Agency of Public Safety; ~~Commissioner~~

18 (a) ~~The Department~~ Agency of Public Safety, created by 3 V.S.A. § 212 ~~Chapter~~
19 ~~69 of Title 3~~, shall include a ~~Commissioner~~ Secretary of Public Safety.

1 ~~(b) The head of the Department Agency shall be the Secretary Commissioner of~~
2 ~~Public Safety, who shall be a citizen of the United States and shall be selected on~~
3 ~~the basis of training, experience, and qualifications. The Commissioner Secretary~~
4 ~~shall be appointed by the Governor, with the advice and consent of the Senate.~~

5 [Repealed]

6 (c) The ~~Commissioner~~ Secretary of Public Safety may contract for security and
7 related traffic control, and receive reimbursement for reasonable costs which shall
8 include costs associated with providing personnel, benefits, equipment, vehicles,
9 insurances and related expenses. These reimbursements shall be credited to a
10 special fund established pursuant to 32 V.S.A. chapter 7, subchapter 5, and be
11 available to offset costs of providing those services.

12 (d) The ~~Commissioner~~ Secretary of Public Safety shall collect fees for the
13 termination of alarms at State Police facilities and for response to false alarms.

14 ***

15 (h) The ~~Commissioner~~ Secretary of Public Safety may enter into contractual
16 arrangements to perform dispatching functions for State, municipal, or other
17 emergency services.

18 **§ 1872. Duties of ~~commissioner~~ Secretary generally**

19 The ~~commissioner~~ Secretary shall be the chief enforcement officer of all the
20 statutes, rules and regulations pertaining to the law of the road and the display of

1 lights on vehicles. In addition, the ~~commissioner~~ Secretary shall supervise and
2 direct the activities of the state police and of the Vermont criminal information
3 center and, as fire marshal, be responsible for enforcing the laws pertaining to the
4 investigation of fires, the prevention of fires, the promotion of fire safety, and the
5 delivery of fire service training.

6

7 **§ 1874. Organization of ~~department~~ Agency by ~~commissioner~~ Secretary**

8 (a) The ~~commissioner~~ Secretary, with the approval of the Governor ~~governor~~, shall
9 so organize and arrange the ~~department~~ Agency as will best and most efficiently
10 promote its work and carry out the objectives of this chapter and Chapter 69 of
11 Title 3. To that end, the ~~commissioner~~ Secretary may create, rearrange and abolish
12 divisions, establish grades, ranks, and positions to be held by members, and
13 formulate, put into effect, alter, and repeal rules and regulations for the
14 administration of the ~~department~~ Agency.

15 (b) The ~~commissioner~~ Secretary may, from time to time, in accordance with the
16 rules adopted by him or her, designate or change the rank or grade to be held by a
17 member. The ~~commissioner~~ Secretary may assign or transfer members to serve at
18 such stations and, within the limits of this chapter or other existing law, to perform
19 such duties as he or she shall designate. The ~~commissioner~~ Secretary may

1 determine what members other than state police shall give bonds, and prescribe the
2 conditions and amount.

3

4 **§ 1875. Radio communication system**

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

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

13

14 (3) Such charges shall be credited to the Vermont Law Telecommunications
15 Special Fund and shall be available to the ~~Department~~ Agency to offset the costs of
16 providing the services.

17

18 **§ 1876. Headquarters and stations; equipment**

19 The ~~commissioner~~ Secretary shall, from time to time, establish headquarters and
20 stations in such localities as the Secretary ~~he or she~~ shall deem advisable for the

1 enforcement of the laws of the state, and to that end, within the limits of
2 appropriations, he may lease, or otherwise acquire, in the name of the state the
3 right to use and maintain lands and buildings, and may purchase or otherwise
4 acquire technology, motor equipment and other supplies including radio and all
5 other equipment and services deemed by the Secretary essential for the needs of
6 the ~~department~~ Agency or its members in carrying out their duties. The
7 ~~commissioner~~ Secretary may discontinue a headquarters or station, where such
8 action seems to him to be desirable. The ~~commissioner~~ Secretary may sell such
9 property as shall have become unnecessary or unfit for further use, and all moneys
10 received therefor shall be paid into the state treasury and credited to the
11 appropriation for the ~~department~~ Agency.

12

13 **§ 1878. Appointment or promotion of members**

14 Within the limits of the appropriation for the ~~department~~ Agency, and in
15 accordance with section 1921 of this title, the ~~commissioner~~ Secretary may appoint
16 or promote members to the ranks, grades and position deemed necessary for
17 efficient administration. The ~~commissioner~~ Secretary may devise and administer
18 examinations designed to test the qualifications of members and only those
19 applicants shall be appointed or promoted who meet the prescribed standards and
20 qualifications.

1

2 **§ 1879. Training school and courses**

3 The ~~commissioner~~ Secretary of public safety may provide additional in-service
4 training beyond basic training to personnel in the ~~department~~ Agency. The
5 ~~commissioner~~ Secretary may seek certification of such training from the director of
6 the criminal justice ~~training~~ council.

7

8 **§ 1879a. Location of in-service training**

9 In-service training beyond basic training provided personnel in the ~~department~~
10 Agency shall, when cost effective, be held at the state-owned law enforcement and
11 fire service training facility in Pittsford. Such training operations and facilities of
12 the ~~department~~ Agency shall when practicable be made available to other state and
13 municipal law enforcement personnel. Notwithstanding the requirement of this
14 section, in-service training of one day or less in duration, or longer duration if no
15 commercial overnight lodging is required, may be provided at ~~an a department~~
16 Agency duty station for the personnel assigned to that ~~department~~ station.

17

18 **§ 1880. Disciplinary procedures**

1 (a) Any disciplinary action taken by the ~~department~~ Agency against a member of
2 the ~~department~~ Agency, except a temporary suspension, shall be taken pursuant to
3 the procedures set forth in this section.

4 (b) Within seven days after the delivery to a member of written charges against
5 such member, the member may file with the ~~commissioner~~ Secretary a request for
6 a hearing before a hearing panel appointed in accordance with subsection (d) of
7 this section, which request shall be honored.

8 (c) If the charged member does not request a hearing within seven days after
9 receipt of the written charges, the ~~commissioner~~ Secretary may take such
10 disciplinary action as the ~~commissioner~~ Secretary deems appropriate, including
11 reprimand, transfer, suspension, demotion or removal. The member may appeal the
12 charges and the disciplinary action taken by filing an appeal with the state labor
13 relations board within 60 days of the imposition of disciplinary action by the
14 ~~commissioner~~ Secretary. When the disciplinary action taken by the ~~commissioner~~
15 Secretary is dismissal, the state labor relations board shall schedule a hearing
16 within 60 days after filing of the appeal, subject to the rules of the board. All
17 hearings before the board under this subsection shall be de novo.

18 (d) If the member requests a hearing panel, the ~~commissioner~~ Secretary shall
19 provide the member with the names of five members, at least one of whom shall
20 have the rank of lieutenant or higher, who have had no connection with the matters

1 at issue. The member shall choose three members from the five names to serve as
2 the hearing panel, provided that at least one member shall have the rank of
3 lieutenant or higher. As soon as is practicable, the panel shall schedule a hearing, at
4 which the member or the member's representative, or both, may cross examine
5 witnesses and present evidence. The panel may issue subpoenas. At the discretion
6 of the charged member the hearing may be closed or public.

7 (e) The panel shall report to the ~~commissioner~~ Secretary whether or not the charges
8 have been proved by a preponderance of the evidence. The panel may make
9 recommendations to the ~~commissioner~~ Secretary regarding disciplinary action to
10 be taken if the charges are proved.

11 (f) If the panel finds that the charges are not proved, any pay or other rights lost
12 through temporary suspension shall be restored. If the panel finds the charges are
13 proved, the ~~commissioner~~ Secretary shall take such disciplinary action as the
14 ~~commissioner~~ Secretary deems appropriate, including reprimand, transfer,
15 suspension, demotion or removal. The decision of the panel and any resulting
16 disciplinary action taken by the ~~commissioner~~ Secretary are final.

17

18 **§ 1881. Expenses; lodging and subsistence**

19 The ~~commissioner~~ Secretary shall approve vouchers in payment of expenses
20 incurred by a member in the discharge of his or her duties, to be paid out of

1 appropriations for the ~~department~~ Agency in the manner required by law.
2 Allowance for lodging and subsistence while away from his or her official station
3 may be paid to a member under such terms and conditions as the ~~commissioner~~
4 Secretary may prescribe, subject to collective bargaining. The ~~commissioner~~
5 Secretary may provide lodging and subsistence for a member at his or her official
6 station.

7
8 **§ 1882. Subpoenas**

9 In connection with any investigation into the internal affairs of the ~~department~~
10 Agency, the ~~commissioner~~ Secretary may request subpoenas for the testimony of
11 witnesses or the production of evidence. The fees for travel and attendance of
12 witnesses shall be the same as for witnesses and officers before a superior court.
13 The fees in connection with subpoenas issued on behalf of the ~~commissioner~~
14 Secretary or the ~~department~~ Agency shall be paid by the state, upon presentation of
15 proper bills of costs to the ~~commissioner~~ Secretary. Notwithstanding 3 V.S.A.
16 §§ 809a and 809b, subpoenas requested by the ~~commissioner~~ Secretary shall be
17 issued and enforced by the superior court of the unit in which the person
18 subpoenaed resides in accordance with the Vermont Rules of Civil Procedure.

19 **§ 1883. State law enforcement; memorandum of understanding**

1 (a) In anticipation of consolidating all certified state law enforcement
2 resources into the Agency of Public Safety, the ~~The Secretary Commissioner~~
3 of the Agency of Public Safety shall develop and execute a memorandum of
4 understanding with the Commissioners of Fish and Wildlife, of Motor
5 Vehicles, and of Liquor and Lottery and their respective directors of law
6 enforcement. The memorandum of understanding shall ~~be reviewed at least~~
7 ~~every two years and shall~~ at a minimum address:

8 (1) ~~Maximizing Consolidating~~ collective resources ~~by and~~ reducing or
9 eliminating redundancies and implementing a methodology that will
10 enhance overall coordination and communication and standardize training
11 and policies while supporting the missions of individual enforcement
12 ~~agencies divisions~~.

13 (2) Providing for an overall statewide law enforcement strategic plan
14 supported by quarterly planning and implementation strategy sessions to
15 improve efficiencies and coordination on an operational level and ensure
16 ~~interagency~~ cooperation and collaboration of programs funded through
17 grants. The strategic plan should identify clear goals and performance
18 measures that demonstrate results, as well as specific strategic plans for
19 individual enforcement divisions ~~agencies~~.

1 The ~~commissioner~~ Secretary shall devise and administer examinations designed to
2 test the qualifications of applicants for positions as certified law enforcement
3 officers assigned to the Department of Law Enforcement and only those applicants
4 shall be appointed or promoted who meet the prescribed standards and
5 qualifications. All certified law enforcement officers assigned to the Department of
6 Law Enforcement shall be on probation for one year from the date of first
7 appointment. Such examinations shall be with the advice of the department of
8 human resources.

9

10 **§ 1912. Bond and oath**

11 Certified law enforcement officers assigned to the Department of Law
12 Enforcement shall give bond to the state, at the expense of the state, in such penal
13 sum as the ~~commissioner~~ Secretary shall require, conditioned for the faithful
14 performance of their duties. Certified law enforcement officers assigned to the
15 Department of Law Enforcement and auxiliary state police shall take the oath of
16 office prescribed for sheriffs before the ~~commissioner~~ Secretary or any person
17 designated under 12 V.S.A. § 5852 to administer oaths.

18

19 **§ 1913. Uniforms and equipment**

1 Within the appropriation for the ~~department~~ Agency, the ~~commissioner~~ Secretary
2 shall provide certified law enforcement officers assigned to the Department of Law
3 Enforcement, and such other members as he or she may designate, with uniforms
4 and all members with the equipment necessary in the performance of their
5 respective duties, which shall remain the property of the state. The ~~commissioner~~
6 Secretary may sell such equipment as may become unfit for use, and all monies
7 received therefor shall be paid into the state treasury and credited to the ~~department~~
8 Agency appropriation. The ~~commissioner~~ Secretary shall keep an inventory and
9 shall charge against each member all property of the ~~department~~ Agency issued to
10 him or her, and if the ~~commissioner~~ Secretary shall determine that a loss or
11 destruction was due to the carelessness or neglect of the member, the value of such
12 property shall be deducted from his or her pay.

13

14 **§ 1914. Powers and immunities**

15 The ~~commissioner~~ Secretary of ~~p~~Public ~~s~~Safety and ~~the state police~~ all certified
16 law enforcement officers assigned to the Department of Law Enforcement shall be
17 peace officers and shall have the same powers with respect to criminal matters and
18 the enforcement of the law relating thereto as sheriffs, constables, and local police
19 have in their respective jurisdictions, and shall have all the immunities and matters
20 of defense now available or hereafter made available to sheriffs, constables and

1 local police in a suit brought against them in consequence of acts done in the
2 course of their employment. Certified law enforcement officers assigned to the
3 Department of Law Enforcement shall be informing or complaining officers with
4 the same powers possessed by sheriffs, deputy sheriffs, constables or police
5 officers of a city or incorporated village as provided in 13 V.S.A. § 5507.

6 ***

7 **§ 1921. Personnel administration rules**

8 (a) Promotions to the ranks of sergeant and lieutenant shall be based upon the
9 results of a written examination and an oral interview. Promotions to the rank of
10 captain, major, lieutenant colonel or colonel shall be made by the ~~commissioner~~
11 Secretary and it shall not be required that such promotions be based on written and
12 oral examinations.

13 ***

14
15 **§ 1922. Creation of State Police Advisory Commission; members; duties**

16 (a) There is hereby created the State Police Advisory Commission, which shall
17 provide advice and counsel to the ~~Commissioner~~ Secretary in carrying out his or
18 her responsibilities for the management, supervision, and control of the
19 Department of Law Enforcement ~~Vermont State Police~~.

20

1 ***

2 (d) The creation and existence of the Commission shall not relieve the
3 ~~Commissioner~~ Secretary of his or her duties under the law to manage, supervise,
4 and control the Department of Law Enforcement.

5 (e) To ensure that certified law enforcement State Police officers assigned to the
6 Department of Law Enforcement are subject to fair and known practices, the
7 Commission shall advise the ~~Commissioner~~ Secretary with respect to and review
8 rules concerning promotion, grievances, transfers, internal investigations, and
9 discipline.

10 ***

11
12 **§ 1923. Internal investigation**

13 (a)(1) The State Police Advisory Commission shall advise and assist the
14 ~~Commissioner~~ Secretary in developing and making known routine procedures to
15 ensure that allegations of misconduct by certified law enforcement officers
16 assigned to the Department of Law Enforcement State Police officers are
17 investigated fully and fairly, and to ensure that appropriate action is taken with
18 respect to such allegations.

1 (2) The ~~Commissioner~~ Secretary shall ensure that the procedures described in
2 subdivision (1) of this subsection constitute an effective internal affairs program in
3 order to comply with section 2402 of this title.

4 (b)(1) The ~~Commissioner~~ Secretary shall establish the Office of Internal
5 Investigation within the ~~Department~~ Agency, which shall investigate, or cause to
6 be investigated, all allegations of misconduct by members of the ~~Department~~
7 Agency, except complaints lodged against members of the Office, which shall be
8 separately and independently investigated by officers designated for each instance
9 by the ~~Commissioner~~ Secretary, with the approval of the State Police Advisory
10 Commission.

11 (2) The head of the Office shall report all allegations and his or her findings as to
12 such allegations to the ~~Commissioner~~ Secretary. The head of the Office also shall
13 immediately report all allegations to the State's Attorney of the county in which the
14 incident took place, the Attorney General, and the Governor, unless the head of the
15 Office makes a determination that the allegations do not include a violation of a
16 criminal statute. The head of the Office shall also report the disposition of all cases
17 so reported to the State's Attorney, Attorney General, and Governor.

18 (c)(1) The Office of Internal Investigation shall maintain a written log with
19 respect to each allegation of misconduct made. The log shall document all action
20 taken with respect to each allegation, including a notation of the person or persons

1 assigned to the investigation, a list of all pertinent documents, all action taken, and
2 the final disposition of each allegation.

3 (2) Failure of any member of the Agency Department to report to the Office
4 an allegation of misconduct known to the member shall be grounds for disciplinary
5 action by the Secretary Commissioner, including dismissal.

6 (d) Records of the Office of Internal Investigation shall be confidential, except:

7 (1) the State Police Advisory Commission shall, at any time, have full and
8 free access to such records;

9 (2) the Secretary Commissioner shall deliver such materials from the records
10 of the Office as may be necessary to appropriate prosecutorial authorities having
11 jurisdiction;

12 ***

13 **§ 1932. Definitions**

14 As used in this subchapter:

15 (1) "CODIS" means the FBI's national DNA identification index
16 system that allows storage and exchange of DNA records submitted by state
17 and local forensic DNA laboratories. The term "CODIS" is derived from
18 Combined DNA Index System.

19 (2) "Agency Department" means the Agency Department of Public
20 Safety.

1 ***

2 (5) "DNA sample" means a forensic unknown tissue sample or a tissue
3 sample provided by any person convicted of a designated crime. The DNA
4 sample may be blood or other tissue type specified by the Agency
5 ~~Department~~.

6 ***

7 (8) "Laboratory" means the Agency ~~Department~~ of Public Safety
8 Forensic Laboratory. The Laboratory's general authority under this
9 subchapter includes specifying procedures for collection and storage of
10 DNA samples.

11 ***

12 **§ 1933. DNA sample required**

13 ***

14 (c) A person serving a sentence for a designated crime not confined to a
15 correctional facility shall have his or her DNA samples collected or taken at
16 a place and time designated by the Commissioner of Corrections, the
17 Commissioner of the Department of Law Enforcement ~~Public Safety~~, or a
18 court if the person has not previously submitted a DNA sample in
19 connection with the designated crime for which he or she is serving the
20 sentence.

1
2 **§ 1940. Expungement of records and destruction of samples**

3 (a) In accordance with procedures set forth in subsection (b) of this section,
4 the Agency Department shall destroy the DNA sample and any records of a
5 person related to the sample that were taken in connection with a particular
6 alleged designated crime in either of the following circumstances:

7 (1) A person's conviction related to an incident that caused the DNA
8 sample to be taken is reversed, and the case is dismissed.

9 (2) The person is granted a full pardon related to an incident that caused
10 the DNA sample to be taken.

11 (b) If any of the circumstances in subsection (a) of this section occur, the
12 court with jurisdiction or, as the case may be, the Governor, shall so notify
13 the Agency Department, and the person's DNA record in the State DNA
14 database and CODIS and the person's DNA sample in the State DNA data
15 bank shall be removed and destroyed. The Laboratory shall purge the DNA
16 record and all other identifiable information from the State DNA database
17 and CODIS and destroy the DNA sample stored in the State DNA data bank.
18 If the person has more than one entry in the State DNA database, CODIS, or
19 the State DNA data bank, only the entry related to the dismissed case shall
20 be deleted. The Agency Department shall notify the person upon completing

1 its responsibilities under this subsection, by certified mail addressed to the
2 person's last known address.

3 (c) If the identity of the subject of a forensic unknown sample becomes
4 known and that subject is excluded as a suspect in the case, the sample
5 record shall be removed from the State DNA database upon the conclusion
6 of the criminal investigation and finalization of any criminal prosecution.

7 (d) If a DNA sample from the State DNA database, CODIS, or the State
8 DNA data bank is matched to another DNA sample during the course of a
9 criminal investigation, the record of the match shall not be expunged even if
10 the sample itself is expunged in accordance with the provisions of this
11 section. If a match has been made and any of the circumstances in
12 subsection (a) of this section occur, the Agency Department may confirm the
13 match prior to expunging the sample.

14 **§ 1941. Confidentiality of records**

15 (a) All DNA samples submitted to the Laboratory ~~laboratory~~ pursuant to this
16 subchapter shall be confidential.

17 ***

18 **§ 1942. Adoption of rules and guidelines**

19 (a) The Agency department shall adopt rules pursuant to chapter 25 of Title
20 3 governing the procedures to be used in the collection, submission,

1 identification, dissemination, analysis and storage of DNA samples and the
2 DNA record of DNA samples submitted under this subchapter.

3 (b) The Agency department shall adopt rules pursuant to chapter 25 of
4 Title 3 governing the methods of obtaining information from the state
5 database and CODIS, and procedures for verification of the identity and
6 authority of the requester.

7 (c) The Agency department shall also adopt guidelines to ensure that
8 DNA identification records meet relevant audit standards for forensic DNA
9 laboratories and that the laboratory procedures include the implementation
10 of DNA quality assurance and proficiency testing standards issued by the
11 FBI director.

12 ***

13 **§ 1943. Responsibility of Agency department of public safety**

14 The Agency department shall be responsible for establishing and
15 maintaining the state DNA database and state DNA data bank as established
16 by this subchapter.

17 ***Reporting***

18 Sec. 15. Reporting.

19 (a) On or before November 15, 2021, the Secretary of the Agency of Public
20 Safety shall report to the Governor, the leadership of the General Assembly

1 and the House and Senate Operations and Judiciary Committees on the
2 status of the organizational transition and recommend any legislative
3 changes needed to continue the orderly and efficient organizational
4 transition of the Agency of Public Safety.

5 (b) The Secretary of the Agency of Public Safety shall study the
6 effectiveness, efficiency and delivery of State public safety law enforcement
7 services and shall report to the Governor and the General Assembly on or
8 before October 15, 2022 on the feasibility and advisability of transferring the
9 operations of the Department of Fish and Wildlife certified law enforcement
10 officers, Department of Liquor and Lottery certified law enforcement
11 officers, the Capitol Police and the Department of Labor relating to
12 V.O.S.H.A., Project WorkSAFE and Passenger Tramway Safety to the
13 Agency of Public Safety.

14 (a) On or before November 15, 2022, the Secretary of the Agency of Public
15 Safety shall report to the Governor, the leadership of the General Assembly
16 and the House and Senate Operations and Judiciary Committees on the
17 status of the organizational transition and recommend any legislative
18 changes needed to continue an orderly and efficient organizational
19 transition.

20

1 ***Governor's Cabinet***

2
3 Sec. 16. 3 V.S.A. § 2101 is hereby amended to read:

4 A cabinet is created in the Executive Branch of government which shall consist
5 of the Secretaries of such agencies as are created by law, as well as such
6 Commissioners of the departments created by law as the Governor, in the
7 Governor's discretion, shall appoint to be a member of the Cabinet.

8
9 Sec. 17. Transitional Provisions, generally

10 (a) The Secretary of Public Safety, in consultation with the Secretary of
11 Administration, the Commissioner of Finance and Management, the
12 Commissioner of Human Resources, the Executive Director of the Criminal Justice
13 Council, the Chair of the Criminal Justice Council, the Executive Director of the
14 Enhanced 911 Board, the Secretary of the Agency of Transportation and the
15 Commissioners of the Departments of Motor Vehicles, Fish and Wildlife, Liquor
16 and Lottery and their directors of enforcement, shall take any action necessary to
17 enable the organizational modernization and consolidation of state law
18 enforcement divisions and resources.

19 (b) Legislative Counsel is hereby directed to replace all references in the Vermont
20 Statutes Annotated to the "Department of Public Safety" with the "Agency of

1 Public Safety"; all references to the "Department" which refer to the Department
2 of Public Safety with "Agency"; and all references to the Commissioner of the
3 Department of Public Safety with "Secretary."

4
5 **Sec. 18. 20 V.S.A. Chapter 1 is hereby amended to read:**

6 **§ 2. Definitions**

7 As used in this chapter:

8 (1) "All-hazards" means any natural disaster, health or disease-related
9 emergency, accident, civil insurrection, use of weapons of mass destruction,
10 terrorist or criminal incident, radiological incident, significant event, and
11 designated special event, any of which may occur individually,
12 simultaneously, or in combination and which poses a threat or may pose a
13 threat, as determined by the Secretary commissioner or designee, to property
14 or public safety in Vermont.

15 (2) "Secretary commissioner" means the Secretary commissioner of the
16 Agency of Public Safety public safety.

17 (3) "Director" means the director of Vermont division of emergency
18 management.

19 (4) "Emergency functions" include services provided by the Agency
20 department of public safety, firefighting services, police services, sheriff's

1 department services, medical and health services, rescue, engineering,
2 emergency warning services, communications, evacuation of persons,
3 emergency welfare services, protection of critical infrastructure, emergency
4 transportation, temporary restoration of public utility services, other functions
5 related to civilian protection and all other activities necessary or incidental to
6 the preparation for and carrying out of these functions.

7 ***

8 **§ 3. Vermont emergency management division**

9 (a) There is hereby created within the Agency department of public safety,
10 Department of Fire Safety and Emergency Management, a division to be
11 known as the Vermont emergency management division.

12 (b) There shall be a director of Vermont emergency management who shall
13 be in immediate charge of the division. The director shall be appointed by the
14 Secretary commissioner, with the approval of the governor. The director shall
15 serve at the pleasure of the Secretary commissioner and shall hold no other
16 state office. The director shall perform all the following duties:

17 (1) Coordinate the activities of all emergency management organizations
18 within the state.

1 (2) Maintain liaison and cooperation with emergency management
2 agencies and organizations of the federal government, other states, and
3 Canada.

4 (3) Perform additional duties and responsibilities required pursuant to this
5 chapter and prescribed by the governor.

6 (c) The Secretary commissioner, subject to the approval of the governor,
7 shall delegate to the several departments and agencies of the state government
8 appropriate emergency management responsibilities, and review and
9 coordinate the emergency management activities of the departments and
10 agencies with each other and with the activities of the districts and neighboring
11 states, the neighboring Canadian province of Quebec, and the federal
12 government.

13 ***

14 **§ 5. Public safety districts**

15 (a) The governor shall divide the state into public safety districts, one to
16 correspond to each Vermont state police troop area, as defined by the
17 Secretary commissioner. Each district shall be a reasonably self-sustaining,
18 operating emergency management unit.

19 (b) The emergency management executive in each district shall be known as
20 the district coordinator. The district coordinator shall be appointed by the

1 ~~Secretary commissioner~~ and shall serve during the pleasure of the Secretary
2 ~~commissioner~~. The district coordinator shall discharge emergency
3 management powers within his or her district. Each public safety district shall
4 maintain on file an all-hazards incident response plan in cooperation with any
5 local emergency planning committee (LEPC) in that district and other state
6 and local agencies.

7 ***

8 **§ 7. Mobile support units**

9 (a) Organization. The ~~Secretary commissioner~~ is authorized to create and
10 establish such number of mobile support units as may be necessary to
11 reinforce emergency management organizations in stricken areas and with due
12 consideration of the plans of the federal government, the government of
13 Canada, and other states. A mobile support unit shall be subject to call to duty
14 and shall perform these functions in this state, in Canada, or in other states in
15 accord with its charter and regulations prescribed by the governor and with the
16 terms of this chapter.

17 ***

18 **§ 8. General powers of governor**

19 ***

20

1 (7) Delegation of authority. To delegate any authority vested in the
2 governor under this chapter to the Secretary ~~commissioner~~ or designee.

3 ***

4
5 **§ 17. Gift, grant or loan**

6 (a) Federal. Whenever the federal government or any agency or officer thereof
7 shall offer to the state, or through the state to any town or city thereof,
8 services, equipment, supplies, materials, or funds by way of gift, grant, or
9 loan, for purposes of emergency management the state, acting through the
10 governor in coordination with the Agency ~~department~~ of public safety, or such
11 town or city acting with the consent of the governor and through its executive
12 officer or legislative branch, may accept such offer and upon such acceptance
13 the governor of the state or the executive officer or legislative branch of such
14 political subdivision may authorize any officer of the state or of the political
15 subdivision, as the case may be, to receive such services, equipment, supplies,
16 materials, or funds on behalf of the state or such political subdivisions, and
17 subject to the terms of the offer and rules and regulations, if any, of the agency
18 making the offer. Whenever such federal grant is contingent upon a state or
19 local contribution, or both, the Agency ~~department~~ of public safety and the
20 political subdivision shall determine whether the grant shall be accepted and if

1 accepted the respective shares to be contributed by the state and town or city
2 concerned.

3 ***

4 **§ 18. Personnel requirements and nonsubversion**

5 No person shall be employed or associated in any capacity in any emergency
6 management organization established under this chapter who advocates a
7 change by force or violence in the constitutional form of the government of the
8 United States or in this state or the overthrow of any government in the United
9 States by force or violence, or who has been convicted of or is under
10 indictment or information charging any subversive act against the United
11 States. Each person who is employed by an emergency management
12 organization established under this chapter and whose access to facilities,
13 materials, or information requires a security clearance, as determined by the
14 Secretary commissioner, shall be subject to a background check and a criminal
15 history record check.

16 ***

17 **§ 27. Auxiliary state police**

18 For the purposes of emergency management, as the term is defined in section 2
19 of this title, the Secretary commissioner of the Agency of Public Safety ~~public~~
20 ~~safety~~ may recruit and train for police duty citizens, including sheriffs, deputy

1 sheriffs, constables and police officers, from whom he may augment the state
2 police, in emergency functions, by employing such number of them, for such
3 period and at such compensation as the governor may fix, as auxiliary state
4 police, who shall take the oath prescribed for sheriffs and, while so employed,
5 shall each wear a distinctive arm badge marked with the words "AUXILIARY
6 STATE POLICE" and shall have the powers and immunities of the state police
7 as defined in section 1914 of this title.

8 ***

9
10 **§ 30. State emergency response commission; creation**

11 (a) A state emergency response commission is created within the Agency
12 ~~department~~ of public safety. The commission shall consist of 15 members, six
13 ex officio members, including the Secretary ~~commissioner~~ of public safety, the
14 secretary of natural resources, the secretary of transportation, the
15 commissioner of health, the secretary of agriculture, food and markets, and the
16 commissioner of labor, or their designees; and nine public members, including
17 a representative from each of the following: local government, a local
18 emergency planning committee, a regional planning commission, the fire
19 service, law enforcement, emergency medical service, a hospital, a
20 transportation entity required under EPCRA to report chemicals to the state

1 emergency response commission, and another entity required to report
2 extremely hazardous substances under EPCRA. The director of emergency
3 management shall be the secretary of the commission without a vote.

4 ***

5
6 **§ 31. State emergency response commission; duties**

7 The commission shall have authority to:

8 (***)

9 (9) Coordinate statewide efforts and draft policies regarding planning,
10 mitigation, preparedness, and response to all-hazards events to be approved by
11 the Secretary ~~commissioner~~.

12 (10) Recommend funding for awards to be made by the Secretary
13 ~~commissioner~~ for training, special studies, citizen corps councils, community
14 emergency response teams (CERT), medical reserve corps, and hazardous
15 materials response teams from funds that are available from federal sources or
16 through the hazardous substances fund created in section 38 of this title. The
17 commission may create committees as necessary for other related purposes
18 and delegate funding recommendation powers to those committees.

19 ***

20 **§ 33. Hazmat teams; team chiefs; creation**

1 (a) The ~~Agency department~~ of public safety is authorized to create a state
2 hazardous materials (HAZMAT) response team. The ~~Secretary commissioner~~
3 shall appoint a HAZMAT team chief, consistent with rules adopted by the
4 department of human resources, to carry out the duties and responsibilities of
5 the HAZMAT response team.

6 ***

7 (d) The ~~Agency department~~ of public safety may employ as many state
8 HAZMAT team responders as the ~~Secretary commissioner~~ deems necessary as
9 temporary state employees, who shall be compensated as such when
10 authorized to respond to a HAZMAT incident or to attend HAZMAT training.
11 State HAZMAT team responders, whenever acting as state agents in
12 accordance with this section, shall be afforded all of the protections and
13 immunities of state employees.

14 ***

15
16 **§ 39. Fees to the Hazardous Substances Fund**

17 ***

18

1 (b) The fee shall be paid to the Secretary ~~commissioner~~ of Public Safety and
2 shall be deposited into the Hazardous Chemical and Substance Emergency
3 Response Fund.

4 (c) The following are exempted from paying the fees required by this
5 section but shall comply with the reporting requirements of this chapter:

- 6 (1) municipalities and other political subdivisions;
- 7 (2) State agencies;
- 8 (3) persons engaged in farming as defined in 10 V.S.A. § 6001;
- 9 (4) nonprofit corporations.

10 ***

11 **§ 40. Enforcement**

12 (a) The Agency ~~department~~ of public safety shall have authority to inspect the
13 premises and records of any employer to ensure compliance with the
14 provisions of this chapter and the rules adopted under this chapter.

15
16
17
18 *** Effective Date ***

19 Sec. 19. EFFECTIVE DATE

1 This act shall take effect upon passage, except that Sections 2-4 shall take effect as
2 of July 1, 2021; and Sections 5 - 10 shall take effect as of July 1, 2022.

DRAFT

