

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Executive Branch; reorganization of Executive Branch; law
4 enforcement agencies

5 Statement of purpose of bill as introduced: This bill proposes to reorganize
6 law enforcement and emergency services within the Executive Branch and
7 create the Agency of Public Safety.

8 An act relating to the creation of the Agency of Public Safety

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

10 * * * Legislative Findings * * *

11 Sec. 1. LEGISLATIVE FINDINGS

12 The General Assembly finds:

13 (a) Since at least 2009 when it enacted 20 V.S.A. § 1883, the General
14 Assembly has recognized the need for the consolidation of collective law
15 enforcement resources by reducing or eliminating redundancies, enhanced
16 overall coordination and communication, an overall statewide law enforcement
17 strategic plan to improve efficiencies, and coordination on an operational level
18 to ensure cooperation and collaboration of programs funded through grants.

19 The General Assembly has been interested in the development of an integrated

1 and coordinated approach among agency law enforcement divisions with the
2 goal of creating a force multiplier to be coordinated through the State Police.

3 (b) There is a need for all agencies of State government charged with law
4 enforcement and law enforcement advisory and policy-making functions to
5 achieve meaningful law enforcement reform, modernization, and innovation.

6 (c) Meaningful law enforcement reform, modernization, and innovation can
7 be best achieved through structural re-organization of State public safety
8 assets. Re-organization will enhance service delivery and efficiency and bring
9 together policy vision and operations to accelerate innovation, modernization,
10 and cultural change.

11 * * * Creation of Agency * * *

12 Sec. 2. 3 V.S.A. chapter 69 is added to read:

13 CHAPTER 69. AGENCY OF PUBLIC SAFETY

14 Subchapter 1. General Provisions

15 § 6001. DEFINITIONS

16 (1) “Agency” means the Agency of Public Safety.

17 (2) “Commissioner” means the head of a department responsible to the
18 Secretary for the administration of the department.

19 (3) “Department” means a major component of the Agency.

20 (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 than
3 the State level.

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

7 § 6002. CREATION OF AGENCY

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

1 (b) The Agency shall, in addition to such other law enforcement duties as
2 set forth in this section, administer and enforce the law pertaining to the
3 following 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
8 assigned by law.

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

10 (1) the Department of Law Enforcement, including:

11 (A) the Division of the Vermont State Police; and

12 (B) the Division of Motor Vehicle Enforcement;

13 (2) the Department of Fire Safety and Emergency Management; and

14 (3) the Division of Support Services.

15 (d) The following units are attached to the Agency for administrative
16 support:

17 (1) Fire Service Training Council;

18 (2) Law Enforcement Advisory Board;

19 (3) State Police Advisory Commission;

20 (4) Search and Rescue Council;

21 (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) Council Advisory Committee;
- 6 (11) Vermont Criminal Justice Council; and
- 7 (12) Enhanced 911 Board.

8 § 6003. ADVISORY CAPACITY

9 (a) Except as otherwise provided in this section, all boards and
10 commissions are a part of or are attached to the Agency pursuant to this
11 chapter shall be advisory only, and the powers and duties of the boards and
12 commissions, including administrative, policy-making, and regulatory
13 functions, shall vest in and be exercised by the 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
16 respect to licensing and maintenance of the standards of the persons registered.

17 (c) Notwithstanding subsection (a) of this section, the Criminal Justice
18 Council shall retain and exercise all powers and functions given to the Council
19 by law, including the power to develop training and training delivery
20 methodology, administer professional standards, conduct investigations and
21 hearings, adjudicate law enforcement officer conduct, and issue and enforce

1 orders in the manner and to the extent provided by law. The Secretary may
2 exercise administrative powers and functions relating to [placeholder].

3 § 6004. PERSONNEL DESIGNATION

4 The Secretary, Deputy Secretary, commissioners, deputy commissioners,
5 attorneys, division directors, and all members of boards, committees,
6 commissions, or councils attached to the Agency for support are exempt from
7 the classified State service. Except as authorized by section 311 of this title or
8 otherwise by law, all other positions shall be within the classified service.

9 Subchapter 2. Secretary

10 § 6021. APPOINTMENT AND DUTIES

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

14 (b) The Secretary shall be the chief enforcement officer of all the statutes
15 and rules pertaining to the law of the road and the display of lights on vehicles.
16 In addition, the Secretary shall supervise and direct the activities of the State
17 Police and of the Vermont Crime Information Center and, as fire marshal, be
18 responsible for enforcing the laws pertaining to the investigation of fires, the
19 prevention of fires, the promotion of fire safety, and the delivery of fire service
20 training.

1 § 6022. BUDGET AND REPORT

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

4 § 6023. DEPUTY SECRETARY

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

10 (b) The Deputy Secretary shall discharge the duties and responsibilities of
11 the Secretary in the Secretary’s absence. In case a vacancy occurs in the office
12 of the Secretary, the Deputy shall assume and discharge the duties of office
13 until the vacancy is filled.

14 § 6024. ADVISORY COUNCILS OR COMMITTEES

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

18 § 6025. TRANSFER OF PERSONNEL AND APPROPRIATIONS

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

1 (b) Notwithstanding subsection (a) of this section, members from different
2 divisions of the Department of Law Enforcement shall not be reassigned or
3 transferred outside their division unless the member requests a transfer and the
4 Commissioner approves the transfer.

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

9 Subchapter 3. Commissioners and Directors

10 § 6051. COMMISSIONERS; DEPUTY COMMISSIONERS;

11 APPOINTMENT; TERM

12 The Secretary, with the approval of the Governor, shall appoint a
13 commissioner of each department, who shall be the chief executive and
14 administrative officer and shall serve at the pleasure of the Secretary.

15 § 6052. MANDATORY DUTIES

16 (a) The Commissioner shall exercise the powers and perform the duties
17 required for the effective administration of the Department.

18 (b) The Commissioner, with the approval of the Governor, shall so
19 organize and arrange the Department as will best and most efficiently promote
20 its work and carry out the objectives of this chapter. To that end, the
21 Commissioner may, with such approval, establish grades, ranks, and positions

1 to be held by members and formulate, put into effect, alter, and repeal rules for
2 the administration of the Department.

3 (c) In addition to other duties imposed by law, the Commissioner shall:

4 (1) administer the laws assigned to the Department;

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

6 (3) supervise and control all staff functions.

7 § 6053. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

8 The Commissioner may, with the approval of the Secretary:

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

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

19 (2) Transfer classified positions within or between divisions except as
20 set forth in subdivision (1) of this section and subject to State personnel laws
21 and rules.

1 (3) Cooperate with the appropriate federal agencies and administer
2 federal funds in support of programs within the Department.

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

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

7 (6) Appoint a deputy commissioner.

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

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

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

16 § 6054. DIRECTORS

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

1 control of the appointing authority except with regard to the quasi-judicial acts
2 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 (c) Notwithstanding subsection (a) of this section:

6 (1) The Vermont Criminal Justice Council shall appoint the Executive
7 Director of the Vermont Criminal Justice Council.

8 (2) The Executive Director shall not be under the direction and control
9 of the appointing authority except to the extent permitted pursuant to
10 subsection 6003(c) of this chapter.

11 (d) Notwithstanding subsection (a) of this section:

12 (1) The Secretary shall appoint the Director of the Enhanced 911 Board
13 in consultation with the Board.

14 (2) The Director shall not be under the direction and control of the
15 appointing authority except with regard to the budget and other administrative
16 powers and functions given to the Director or the Board by law.

17 Subchapter 4. Departments, Divisions, and Boards

18 § 6081. DEPARTMENT OF LAW ENFORCEMENT

19 The Department of Law Enforcement is created within the Agency of
20 Public Safety.

1 § 6082. DEPARTMENT OF FIRE SAFETY AND EMERGENCY

2 MANAGEMENT

3 The Department of Fire Safety and Emergency Management is created
4 within the Agency of Public Safety.

5 § 6083. DIVISION OF SUPPORT SERVICES

6 (a) The Division of Support Services of the Agency is created within the
7 Agency of Public Safety. It shall be administered by the Deputy Secretary of
8 the Agency.

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

12 (1) personnel administration;

13 (2) financing and accounting activities;

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

15 (4) provision of facilities, office space, and equipment and the care
16 thereof;

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

20 (6) management improvement services;

21 (7) training;

1 Sec. 4. PROVISIONS FOR THE TRANSITION OF THE ENHANCED 911

2 BOARD

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

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

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

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

12 Sec. 5. PROVISIONS FOR THE TRANSITION OF THE DEPARTMENT
13 OF MOTOR VEHICLES ENFORCEMENT OFFICERS

14 (a) All duties, obligations, responsibilities, and authority of the certified
15 law enforcement officers in the Department of Motor Vehicles (DMV)
16 Enforcement Division under Title 19 and 23 V.S.A., chapter 15, and applicable
17 rules, are hereby transferred to the Agency of Public Safety, Department of
18 Law Enforcement, Division of Motor Vehicle Enforcement.

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

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

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

7 (d) The certified law enforcement officers transferred to the Agency of
8 Public Safety shall maintain their relationships with and support of the
9 Department of Motor Vehicles, other components of federal, State, and
10 municipal government, and private sector collaborations.

11 ***** General Transition Provisions *****

12 Sec. 6. TRANSITION; GENERALLY

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

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

Sec. 9. 30 V.S.A. § 7053 is amended to read:

§ 7053. BOARD; RESPONSIBILITIES AND POWERS

(a) The Board shall be the single governmental agency responsible for
statewide Enhanced 911 pursuant to chapter 87 of this title and 3 V.S.A.
chapter 69. To the extent feasible, the Board shall consult with the Agency of
Human Services, the ~~Department~~ Agency of Public Safety, the Department of
Public Service, and local community service providers on the development of
policies, system design, standards, and procedures. The Board shall develop
designs, standards, and procedures and shall adopt rules on the following:

(1) The technical and operational standards for public safety answering
points.

1 Notwithstanding subdivision 4(4) of this title, as used in this chapter,
2 “Commissioner” means the Commissioner of the Agency of Public Safety,
3 Department of Law Enforcement.

4 * * * Statutory Changes for Dept of Public Safety becoming Agency * * *

5 Sec. 12. 3 V.S.A. § 2101 is amended to read:

6 § 2101. CREATION

7 A cabinet is created in the Executive Branch of government ~~which~~ that shall
8 consist of the Secretaries of such agencies as are created by law, as well as
9 such Commissions of the departments created by law as the Governor, in the
10 Governor’s discretion, shall appoint to be a member of the Cabinet.

11 Sec. 13. 20 V.S.A. § 3 is amended to read:

12 § 3. VERMONT EMERGENCY MANAGEMENT DIVISION

13 (a) There is hereby created within the ~~department of public safety~~ Agency
14 of Public Safety, Department of Fire Safety and Emergency Management, a
15 division to be known as the Vermont emergency management division.

16 * * *

17 Sec. 14. 20 V.S.A. § 1871 is amended to read:

18 § 1871. ~~DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER~~

19 CONTRACTING

20 ~~(a) The Department of Public Safety, created by 3 V.S.A. § 212, shall~~
21 ~~include a Commissioner of Public Safety.~~

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

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

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

15 ~~(e)(c)~~ Termination Fees:

16 (1) The termination fee for a single dedicated circuit alarm at a State
17 Police facility will be \$250.00 per user per year.

18 (2) An alarm company or monitoring service that is authorized to install
19 a multi-unit alarm panel at a State Police facility will be assessed a fee of
20 \$25.00 per alarm with a minimum fee of \$250.00 per panel per year.

1 (3) An individual or business who programs a tape dialer or other
2 automatic notification device to transmit a voice message to a State Police
3 facility, informing the police of a burglary or other emergency, must register
4 such dialer with the State Police facility and will be assessed a registration fee
5 of \$50.00 per year. The fee includes an onsite inspection by a member of the
6 State Police.

7 (4) If State Police respond to an alarm and it is found that the alarm was
8 transmitted by an unregistered tape dialer or similar notification device, a
9 registration fee of \$50.00 will be assessed subsequent to that response. Unpaid
10 registration fees are considered to be alarms in default and handled in
11 accordance with the provisions of the section on response terminations.

12 ~~(d)~~(d) False Alarms:

13 (1) A false alarm is notification given to the State Police by electronic or
14 telephonic means that an emergency situation exists, when an emergency or
15 other circumstance that could be perceived as an emergency does not exist and
16 to which the State Police have responded.

17 (2) Alarm periods shall be based on the calendar year, January 1 through
18 December 31.

19 (3) The first false alarm in an alarm period shall be at no cost. The
20 second false alarm in the alarm period shall be assessed at \$50.00 and each
21 successive false alarm in the same alarm period shall be assessed at \$75.00.

1 ~~(e)~~(e) Response Terminations:

2 (1) Alarm fees ~~which~~ that have been assessed and not paid for a period
3 of 60 days from the date of the last billing are considered alarms in default and
4 the State Police station commander, with the concurrence of the State Police
5 troop commander, may notify the alarm holder that the State Police will no
6 longer respond to alarms at that location as long as the alarm holder is in
7 default.

8 (2) When in the opinion of the station commander, with the concurrence
9 with the troop commander, there exists a chronic false alarm problem ~~which~~
10 that the alarm holder appears not to have taken reasonable measures to correct,
11 the station commander may send notification that the State Police will no
12 longer respond to alarms at that location until the problem is corrected even if
13 the alarm holder is not in default on fees assessed.

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

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

19 ~~(j)~~(h) Charges collected under subsections (e), (f), and (i) of this section
20 shall be credited to the Vermont Law Telecommunications Special Fund and

1 shall be available to the Department to offset the costs of providing the
2 services.

3 Sec. 15. 20 V.S.A. § 1874 is amended to read:

4 § 1874. ORGANIZATION OF DEPARTMENT BY COMMISSIONER

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

13 * * *

14 Sec. 16. 20 V.S.A. § 1883 is amended to read:

15 § 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF

16 UNDERSTANDING

17 (a) ~~The Commissioner of Public Safety~~ In anticipation of consolidating all
18 certified law enforcement resources into the Agency of Public Safety, the
19 Secretary of the Agency of Public Safety shall develop and execute a
20 memorandum of understanding with the Commissioners of Fish and Wildlife,
21 of Motor Vehicles, and of Liquor and Lottery and their respective directors of

1 law enforcement. The memorandum of understanding shall ~~be reviewed at~~
2 ~~least every two years and shall~~ at a minimum address:

3 (1) ~~Maximizing~~ Consolidating collective resources ~~by and~~ reducing or
4 eliminating redundancies and implementing a methodology that will enhance
5 overall coordination and communication and standardize training and policies
6 while supporting the mission of individual enforcement ~~agencies~~ divisions.

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

14 ~~(3) Creating a task force concept that will provide for the sharing and~~
15 ~~disseminating of information and recommendations involving various levels of~~
16 ~~statewide law enforcement throughout Vermont that will benefit all law~~
17 ~~enforcement agencies as well as citizens.~~

18 ~~(4)~~(3) Developing an integrated and coordinated approach ~~to multi-~~
19 ~~agency special teams~~ with the goal of creating a force multiplier, ~~where~~
20 ~~feasible~~ to be coordinated through the Agency of Public Safety, Department of

1 Law Enforcement. ~~These teams will be coordinated by the Vermont State~~
2 ~~Police during training and deployments.~~

3 (5)(4) Providing for the ~~Commissioner~~ Secretary of Public Safety, with
4 the approval of the Governor and in ~~consultation with the Commissioners of~~
5 ~~Motor Vehicles, of Fish and Wildlife, and of Liquor and Lottery~~, accordance
6 with the State Emergency Management Plan, to assume the role of lead
7 coordinator of statewide law enforcement units in the event of elevated alerts,
8 critical incidents, and all hazard events. The lead coordinator shall maintain
9 control until in his or her judgment the event no longer requires coordinated
10 action to ensure the public safety.

11 * * *

12 Sec. 17. 20 V.S.A. chapter 113, subchapter 2 is amended to read:

13 Subchapter 2. ~~State Police~~ Certified Law Enforcement Officers

14 § 1911. EXAMINATIONS; APPOINTMENT; PROMOTION; PROBATION

15 The ~~commissioner~~ Secretary shall devise and administer examinations
16 designed to test the qualifications of applicants for positions as ~~state police~~
17 certified law enforcement officers assigned to the Department of Law
18 Enforcement and only those applicants shall be appointed or promoted who
19 meet the prescribed standards and qualifications. All ~~state police~~ certified law
20 enforcement officers assigned to the Department of Law Enforcement shall be

1 on probation for one year from the date of first appointment. Such
2 examinations shall be with the advice of the department of human resources.

3 § 1912. BOND AND OATH

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

12 § 1913. UNIFORMS AND EQUIPMENT

13 Within the appropriation for the ~~department~~ Agency, the ~~commissioner~~
14 Secretary shall provide the ~~state police~~ certified law enforcement officers
15 assigned to the Department of Law Enforcement, and such other members as
16 he or she may designate, with uniforms and all members with the equipment
17 necessary in the performance of their respective duties, which shall remain the
18 property of the ~~state~~ State. The ~~commissioner~~ Secretary may sell such
19 equipment as may become unfit for use, and all monies received therefor shall
20 be paid into the ~~state treasury~~ State Treasury and credited to the ~~department~~
21 Agency appropriation. The ~~commissioner~~ Secretary shall keep an inventory

1 and shall charge against each member all property of the ~~department~~ Agency
2 issued to him or her, and if the ~~commissioner~~ Secretary shall determine that a
3 loss or destruction was due to the carelessness or neglect of the member, the
4 value of such property shall be deducted from his or her pay.

5 § 1914. POWERS AND IMMUNITIES

6 The ~~commissioner of public safety~~ Secretary of Public Safety and the ~~state~~
7 ~~police~~ all certified law enforcement officers assigned to the Department of Law
8 Enforcement shall be peace officers and shall have the same powers with
9 respect to criminal matters and the enforcement of the law relating thereto as
10 sheriffs, constables, and local police have in their respective jurisdictions, and
11 shall have all the immunities and matters of defense now available or hereafter
12 made available to sheriffs, constables, and local police in a suit brought against
13 them in consequence of acts done in the course of their employment. ~~State~~
14 ~~police~~ Certified law enforcement officers assigned to the Department of Law
15 Enforcement shall be informing or complaining officers with the same powers
16 possessed by sheriffs, deputy sheriffs, constables, or police officers of a city or
17 incorporated village as provided in 13 V.S.A. § 5507.

18 * * *

19 Sec. 18. 20 V.S.A. § 1922 is amended to read:

20 § 1922. CREATION OF STATE POLICE ADVISORY COMMISSION;

21 MEMBERS; DUTIES

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

5 * * *

6 (d) The creation and existence of the Commission shall not relieve the
7 ~~Commissioner~~ Secretary of his or her duties under the law to manage,
8 supervise, and control the ~~State Police~~ Department of Law Enforcement.

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

14 (f) Members of the Commission shall be entitled to receive per diem
15 compensation and reimbursement for expenses in accordance with 32 V.S.A.

16 § 1010.

17 Sec. 19. 20 V.S.A. § 1923 is amended to read:

18 § 1923. INTERNAL INVESTIGATION

19 (a)(1) The State Police Advisory Commission shall advise and assist the
20 ~~Commissioner~~ Secretary in developing and making known routine procedures
21 to ensure that allegations of misconduct by ~~State Police~~ certified law

1 enforcement officers assigned to the Department of Law Enforcement are
2 investigated fully and fairly, and to ensure that appropriate action is taken with
3 respect to such allegations.

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

7 * * *

8 Sec. 20. 20 V.S.A. § 1933 is amended to read:

9 § 1933. DNA SAMPLE REQUIRED

10 * * *

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

17 Sec. 21. REPEALS

18 3 V.S.A. § 212(18) (the Department of Public Safety) is repealed.

19 * * * Conforming Revisions * * *

20 Sec. 22. CONFORMING REVISIONS

1 When preparing the Vermont Statutes Annotated for publication, the Office
2 of Legislative Counsel shall make the following revisions throughout the
3 statutes as needed for consistency with this act, as long as the revisions have no
4 other effect on the meaning of the affected statutes:

5 (1) replace “Department of Public Safety” with the “Agency of Public
6 Safety”;

7 (2) replace “Department” where it refers to the Department of Public
8 Safety with “Agency”;

9 (3) replace “Commissioner” of the Department of Public Safety with
10 “Secretary”; and

11 (4) revisions that are substantially similar to those described in
12 subdivisions (1)–(3) of this section.

13 ***** Reporting *****

14 Sec. 23. CREATION OF AGENCY OF PUBLIC SAFETY; REPORT

15 (a) On or before November 15, 2021, the Secretary of the Agency of Public
16 Safety shall report to the Governor, the leadership of the General Assembly,
17 and the House and Senate Committees on Government Operations and on
18 Judiciary on the status of the organizational transition and recommend any
19 legislative changes needed to continue the orderly and efficient organizational
20 transition of the Agency of Public Safety.

1 (b) The Secretary of the Agency of Public Safety shall study the
2 effectiveness, efficiency, and delivery of State public safety law enforcement
3 services and shall report to the Governor and the General Assembly on or
4 before October 15, 2022, on the feasibility and advisability of transferring the
5 operations of the Department of Fish and Wildlife certified law enforcement
6 officers, Department of Liquor and Lottery certified law enforcement officers,
7 the Capitol Police, and the Department of Labor relating to VOSHA, Project
8 WorkSAFE, and Passenger Tramway Safety to the Agency of Public Safety.

9 (c) On or before November 15, 2022, the Secretary of the Agency of Public
10 Safety shall report to the Governor, the leadership of the General Assembly,
11 and the House and Senate Committees on Government Operations and on
12 Judiciary on the status of the organizational transition and recommend any
13 legislative changes needed to continue an orderly and efficient organizational
14 transition.

15 * * * Effective Dates * * *

16 Sec. 24. EFFECTIVE DATES

17 (a) This section and Secs. 1 (findings), 6 (transition; generally), and 22–23
18 (conforming changes; reporting) shall take effect upon passage.

19 (b) Secs. 2–3 (agency creation), 7, and 12–21 (conforming statutory
20 revisions) shall take effect on July 1, 2021, except that in Sec. 2, 69 V.S.A.

- 1 §§ 6002(c)(1)(B) (motor vehicle enforcement), 6002(d)(12) (E-911 board), and
2 6054(d) (E-911 board) shall take effect on July 1, 2022.
- 3 (c) Secs. 4–5 and 8–11 (transition provisions for motor vehicle
4 enforcement and E-911 board) shall take effect on July 1, 2022.