
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 124 (H.872). An act relating to miscellaneous updates to the powers of the Vermont Criminal Justice Council and the duties of law enforcement officers

Subjects: Internal security and public safety; Vermont Criminal Justice Council; unprofessional conduct

This act makes miscellaneous updates to the powers of the Vermont Criminal Justice Council and the duties of law enforcement officers.

Specifically, this act modifies what constitutes Category B Conduct, replacing the various enumerated subcategories of misconduct with a statewide policy named the “Law Enforcement Officers’ Code of Conduct” (“Code”). The Vermont Criminal Justice Council shall, by December 31, 2024, create the Code by rule in accordance with the Vermont Administrative Procedure Act (3 V.S.A. chapter 25), although the Code’s parameters and content are dictated by statute (20 V.S.A. § 2371). The Code will apply to each law enforcement officer in the State, and compliance with the Code is a condition for obtaining and maintaining law enforcement certification. The Code, pursuant to 20 V.S.A. § 2371, shall prohibit “Category A” criminal conduct, untruthfulness, misuse of official position, discrimination and biased enforcement, unlawful use of force while on duty or under the authority of the State, and domestic violence while on duty or off duty.

The act also amends 20 V.S.A. § 2407 (limitation on Council sanctions) so that the Vermont Criminal Justice Council may sanction a law enforcement officer for a first violation of the Code (Category B conduct) only to the extent the sanction does not surpass any disciplinary action taken by the law enforcement agency for the same alleged conduct. The Council, however, may impose a greater sanction if: (1) the law enforcement officer is terminated for the same alleged conduct or resigns; (2) the alleged conduct is committed by a law enforcement agency’s executive officer; (3) pursuant to 20 V.S.A. § 2408, the law enforcement agency fails to conduct a valid investigation of the alleged conduct; or (4) the disciplinary action taken against the law enforcement officer by the law enforcement agency is clearly unreasonable.

Multiple effective dates, beginning on May 29, 2024