

TPD; 2/21/23

**HGOMA Committee Bill 23-0959:**

**An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training**

This bill implements recommendations from the Vermont Criminal Justice Council (“VCJC”). These recommendations would be incorporated into [Title 20 \(Internal Security and Public Safety\), Chapter 151 \(Vermont Criminal Justice Council\)](#).

\*\*\* Fair and Impartial Policing Training; Advanced Roadside Impaired Driving Enforcement Training \*\*\*

Sec. 1. PURPOSE: “The purpose of this act is, in part, to amend the laws of Vermont regarding law enforcement officer training to emphasize achieving increased competency over prescribed minimum hours of training in fair and impartial policing.”

Sec.s 2 and 3, together, transfer the determination of ‘what amount of fair and impartial policing training is required’ as well as ‘Advanced Roadside Impaired Driving Enforcement training requirements’ from statute to rulemaking by the VCJC.

Sec. 2 amends [20 V.S.A. § 2358 \(Minimum training standards; definitions\)](#), modifying *subsection (e)* to repeal in statute the fixed hours of training required for Fair and Impartial Policing Training.

- Comment: Please note that 20 V.S.A. § 2358 subdivisions (1) and (3) left in for now to provide context. However, 20 V.S.A. §2358(e)(2) appears to be a snapshot/place-in-time law; that is, it required all LEOs at that time to take four hours by December 31, 2018. It does not seem to compel all LEO, beginning in 2019, to take 4 hours of FIP training. (e)(2) has been repealed to eliminate ambiguity.

Modifications to *subsection (f)* in combination with new language in Sec. 3 will transition the Advanced Roadside Impaired Driving Enforcement training requirements from statute to rules to be adopted by the Vermont Criminal Justice Council.

Sec. 3 amends [20 V.S.A. § 2355 \(Council powers and duties\)](#), which authorizes the Vermont Criminal Justice Council to adopt rules pertaining to Advanced Roadside Impaired Driving Enforcement training requirements.

- Comments: Please note that while this is arguably redundant with the other rulemaking authority already granted to the VCJC in subdivisions (1)-(12), this makes the authority to do so explicit.

\* \* \* Roadside Stop Data Collection \* \* \*

Sec. 4 amends [20 V.S.A. § 2366 \(Law Enforcement Agencies; Fair and Impartial Policing Policy; Race Data Collection\)](#) to simply add the requirement for law enforcement agencies to collect data for the “date, time, and location” of roadside stops. Currently, other metrics are tracked such as “the age, gender, and race of the driver,” and the grounds for and outcome of the stop.

\* \* \* Duty to Contact Current or Former Agencies When Hiring Law Enforcement Officer \* \* \*

Sec. 5 amends [20 V.S.A. § 2362a \(the section heading will now read “Potential Hiring Agency; Duty to Contact Current or Former Agency Agencies”\)](#) and will require an executive law enforcement officer when hiring a law enforcement officer to contact all of the applicant’s former law enforcement agencies.

\* \* \* Rule Adoption Deadline Modification \* \* \*

Sec.s 6 and 7, together, extend the deadline for the Vermont Criminal Justice Council to adopt rules regarding alternate routes to law enforcement officer certification.

Sec. 6 repeals the previous deadline of July 1, 2023 as set by prior session law ([2020 Acts and Resolves No. 166, Sec. 8\(b\) \(Rules\)](#)).

Sec. 7 sets a new deadline of July 1, 2025 for the Vermont Criminal Justice Council shall finally adopt the rules regarding alternate routes to the certification.

\* \* \* Effective Date \* \* \*

Sec. 8 Sets the effective date to be on passage.