S.255

Senator Hardy moves that the bill be amended as recommended by the Committee on Government Operations and be further amended as follows:

First: By adding a new section to be Sec. 10a to read as follows:

Sec. 10a. 24 V.S.A. chapter 5 is amended to read:

CHAPTER 5. COUNTY OFFICERS; POWERS AND DUTIES

* * *

§ 290. COUNTY SHERIFF'S DEPARTMENT

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(d)(1) Upon the election of a sheriff-elect who is not the incumbent sheriff, an announcement that the incumbent sheriff will not seek reelection, or an announcement that the incumbent sheriff intends to resign, whichever occurs earliest, all financial disbursements from the accounts of the department, including the transfer of real or personal property, or other assets, of the department, shall be co-signed by the sheriff and at least one assistant judge in that county, and the sheriff shall, within two weeks, provide the Department of State's Attorneys and Sheriffs, the Auditor of Accounts, and the assistant judges of that county with a written list of all transfers of departmental assets and financial disbursements to a single source, in aggregate, greater than $10,000.00 anticipated to occur before the sheriff leaves office. Assistant judges shall consult with the Director of Sheriffs' Operations when considering

whether to co-sign any transfers of departmental assets or financial disbursements to a single source, in aggregate, greater than $10,000.00. The assistant judges shall not unreasonably refuse to co-sign any disbursements or transfer of sheriff's department assets.

(2) A report of all financial disbursements and transfers made pursuant to this subsection shall be forwarded by the assistant judges to the Auditor of Accounts and the Department of State's Attorneys and Sheriffs within 15 days following the sheriff leaving office.

§ 290b. AUDITS

* * *

(d) Annually, each sheriff shall furnish the Auditor of Accounts on forms provided by the Auditor a financial report reflecting the financial transactions and condition of the sheriff's department. The sheriff shall submit a copy of this report to the assistant judges of the county. The assistant judges shall prepare a report reflecting funds disbursed by the county in support of the sheriff's department and forward a copy of their report to the Auditor of Accounts. The Auditor of Accounts shall compile the reports and submit ~~one report~~ copies to the Department of State's Attorneys and Sheriffs, the House ~~and Senate~~ Committees on Government Operations and Military Affairs and on Judiciary, and the Senate Committees on Government Operations and on

Judiciary. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the required report to be made under this subsection.

(e)(1) Biennially, according to a schedule established by the Auditor of Accounts, the Auditor shall retain a public accountant to conduct an audit of the financial systems, controls, and procedures within each department. The public accountant shall prepare a written report detailing the review of the department. A copy of this report shall be forwarded to the sheriff, assistant judges, ~~and~~ the Auditor of Accounts, the Department of State's Attorneys and Sheriffs, the House Committees on Government Operations and Military Affairs and on Judiciary, and the Senate Committees on Government Operations and on Judiciary. The Auditor shall charge for the costs of the report pursuant to 32 V.S.A. § 168(b).

(2) After receiving the written report pursuant to subdivision (1) of this subsection, a sheriff shall implement any recommendations made in the report by the start of the following fiscal year. On or before the 30 days after implementing these recommendations, the sheriff shall submit a letter to the Auditor of Accounts detailing the changes made, including pertinent timelines, modified accounting practices, and anticipated outcomes.

(3) Willful failure to comply with this subsection shall constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

* * *

§ 291a. CONTRACTS

(a) In the name of the sheriff's department, the sheriff may enter into written contracts with the State of Vermont~~, an agency of the United States~~, one or more towns within or ~~without~~ outside the county, or any nongovernmental entity, to provide law enforcement or other related services, including security services~~,~~; central dispatching for police, fire, or ambulance services~~,~~; and centralized support services. Contracts between the sheriff's department and a town shall be valid if approved by the sheriff and by a majority of the selectboard of the town, provided that funding has been approved by a duly warned annual or special town meeting. Deputy sheriffs engaged in the performance of a contract shall be considered employees of the sheriff's department for all purposes, except that for purposes of determining eligibility for Social Security, employees under this section shall be considered county employees~~,~~; provided, however, that the sheriffs' departments shall be responsible for employers' contributions.

* * *

§ 293. DUTIES

(a) A sheriff so commissioned and sworn shall serve and execute lawful writs, warrants, and processes directed to the sheriff, according to the precept thereof, and do all other things pertaining to the office of sheriff.

(b) A sheriff shall maintain a record of the sheriff's work schedule, including work days, leave taken, and any remote work performed outside the sheriff's district for a period of more than three days. The sheriff shall submit this record monthly to the Department of State's Attorneys and Sheriffs and publicly post this record on the sheriff's department's website.

(c) If an individual who has a relief from abuse order pursuant to 15 V.S.A. § 1103 requires assistance in the retrieval of personal belongings from the individual's residence and that individual requests assistance from a sheriff's department providing law enforcement services in the county in which that individual resides, the sheriff's department shall provide the assistance.

(d) A sheriff shall provide law enforcement and security services for each county and State courthouse within the sheriff's county of jurisdiction in accordance with section 291a of this title.

(e) Willful failure to comply with this section shall constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

§ 294. SHERIFF IMPRISONED

(a) If a sheriff is confined in prison by legal process, ~~his or her~~ the sheriff's functions ~~as sheriff~~ shall be suspended. When the sheriff is released from imprisonment during ~~his or her~~ the sheriff's term of office, ~~he or she~~ the sheriff shall file a certificate of ~~his or her~~ the sheriff's discharge signed by one of the judges of the Superior Court, in the office of the county clerk, and deliver a

like certificate to the high bailiff. Thereupon ~~he or she~~ the sheriff shall resume the powers and execute the duties of ~~sheriff~~ the office.

(b) If a sheriff is confined pursuant to subsection (a) of this section, notwithstanding the provisions of 32 V.S.A. § 1182, the sheriff's salary is suspended for the duration of the confinement or until the sheriff's duties are restored in accordance with any conditions of release or court order, whichever occurs later.

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§ 367. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS

* * *

(e)(1) The Executive Director of the Department of State's Attorneys and Sheriffs shall appoint a Director of Sheriffs' Operations who shall serve at the pleasure of the Executive Director.

(2) The Director of Sheriffs' Operations shall provide centralized support services for the sheriffs with respect to budgetary planning, policy development and compliance, training, and office management, and perform such other duties as directed by the Executive Director.

(3)(A) The Director of Sheriffs' Operations shall develop, maintain, and provide to each sheriff's department model policies on operational topics, including service of civil process, relief from abuse orders, transportation of prisoners, ethics, and sheriffs' responsibilities.

(B)(i) Each sheriff shall adopt the model policies issued pursuant to subdivision (A) of this subdivision (3).

(ii) Willful failure to comply with this subdivision (B) shall constitute Category B conduct pursuant to 20 V.S.A. § 2401(2).

Second: By striking out Sec. 11, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 11. EFFECTIVE DATES

(a) This section and Sec. 10a (24 V.S.A. chapter 5) shall take effect on passage.

(b) Secs. 1–10 shall take effect after the County and Regional Governance Study Committee, as created in 2024 Acts and Resolves No. 118 as potentially amended by the General Assembly, submits its final report to the General Assembly and at effective date of the General Assembly's enacted legislation in consideration of the Committee's recommendations.