

1 S.255

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

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

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

6 CHAPTER 5. COUNTY OFFICERS; POWERS AND DUTIES

7 * * *

8 § 290. COUNTY SHERIFF’S DEPARTMENT

9 * * *

10 (d)(1) Upon the election of a sheriff-elect who is not the incumbent sheriff,
11 an announcement that the incumbent sheriff will not seek reelection, or an
12 announcement that the incumbent sheriff intends to resign, whichever occurs
13 earliest, all financial disbursements from the accounts of the department,
14 including the transfer of real or personal property, or other assets, of the
15 department, shall be co-signed by the sheriff and at least one assistant judge in
16 that county, and the sheriff shall, within two weeks, provide the Department of
17 State’s Attorneys and Sheriffs, the Auditor of Accounts, and the assistant
18 judges of that county with a written list of all transfers of departmental assets
19 and financial disbursements to a single source, in aggregate, greater than
20 \$10,000.00 anticipated to occur before the sheriff leaves office. Assistant
21 judges shall consult with the Director of Sheriffs’ Operations when considering

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

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

9 § 290b. AUDITS

10 * * *

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

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

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

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

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

21 * * *

1 § 291a. CONTRACTS

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

16 * * *

17 § 293. DUTIES

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

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

6 (c) If an individual who has a relief from abuse order pursuant to 15 V.S.A.
7 § 1103 requires assistance in the retrieval of personal belongings from the
8 individual's residence and that individual requests assistance from a sheriff's
9 department providing law enforcement services in the county in which that
10 individual resides, the sheriff's department shall provide the assistance.

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

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

16 § 294. SHERIFF IMPRISONED

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

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

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

8 * * *

9 § 367. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS

10 * * *

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

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

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

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

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

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

7 Sec. 11. EFFECTIVE DATES

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

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