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H.503

Introduced by Representatives Grad of Moretown, Atkins of Winooski,  
Donaghy of Poultney, Fagan of Rutland City, French of  
Shrewsbury, Hebert of Vernon, Koch of Barre Town, Lewis of  
Derby, Marek of Newfane, Martin of Springfield,  
Waite-Simpson of Essex and Wizowaty of Burlington

Referred to Committee on

Date:

Subject: Legislature; sergeant at arms; traffic control officer; capitol police

Statement of purpose: This bill proposes to 1) eliminate the ability of the  
sergeant at arms to employ a traffic control officer; and 2) require capitol  
police officers to be certified by the Vermont criminal justice training council.

~~An act relating to eliminating the ability of the sergoant at arms to employ a  
traffic control officer and requiring the certification of capitol police  
officers~~ *An act relating to the certification of capitol police and constables  
and to legislative traffic control and parking*

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

~~Sec. 1. 2 V.S.A. § 64 is amended to read:~~

~~§ 64. EMPLOYMENT OF ASSISTANTS; TRAFFIC CONTROL; CAPITOL  
POLICE; TRAINING; UNIFORMS AND EQUIPMENT~~

~~\* \* \*~~

~~(c) The sergeant at arms may employ a traffic control officer whose duties  
shall include, but not be limited to, overseeing necessary security measures and~~

1 ~~the control of traffic about the capitol building. The traffic control officer shall~~  
2 ~~be an exempt state employee. The sergeant at arms with the approval of the~~  
3 ~~joint rules committee shall fix the terms and compensation of the traffic control~~  
4 ~~officer, who shall be entitled to receive the same annual salary adjustments~~  
5 ~~available to classified employees in comparable salary ranges. At state~~  
6 ~~expense and with the approval of the sergeant at arms, the traffic control~~  
7 ~~officer and capitol police officers shall be provided with training, and~~  
8 ~~furnished uniforms and equipment necessary in the performance of their duties,~~  
9 ~~and such items shall remain the property of the state.~~

10 Sec. 2. 2 V.S.A. § 70 is amended to read:

11 § 70. CAPITOL POLICE DEPARTMENT

12 (a) Creation. A capitol police department is created within the office of the  
13 sergeant at arms. The sergeant at arms shall appoint and may remove, at his or  
14 her pleasure, individuals as capitol police officers, one of whom shall be  
15 appointed to serve as chief. All such positions shall be exempt state  
16 employees. ~~The traffic control officer and any other employee of the sergeant~~  
17 ~~at arms may, in addition to other positions and duties, be appointed as a capitol~~  
18 ~~police officer.~~ The chief shall supervise the officer force under the direction of  
19 the sergeant at arms. Such appointments and all oaths or affirmations shall be  
20 in writing and filed with the sergeant at arms. An officer shall also serve as a  
21 deputy sergeant at arms and as a notary public pursuant to 24 V.S.A. § 442.

1 (b) Powers; training.

2 (1) Capitol police officers shall have all the same powers and authority  
3 as sheriffs and other law enforcement officers anywhere in the state, which  
4 shall include the authority to arrest persons and enforce the civil and criminal  
5 laws, keep the peace, provide security, and to serve civil and criminal process.  
6 For this purpose, capitol police officers shall subscribe to the same oaths  
7 required for sheriffs.

8 ~~(2) Capitol police officers who are not certified in either the full-time or~~  
9 ~~part-time certification program of the Vermont criminal justice training council~~  
10 ~~(VCJTC) shall meet qualification and certification standards prescribed by the~~  
11 ~~sergeant at arms in consultation with the executive director of the VCJTC. In~~  
12 ~~setting the standards, the sergeant at arms shall consider the part-time~~  
13 ~~certification program provided to other law enforcement officers by the~~  
14 ~~VCJTC.~~

15 ~~(3) As an alternative, in the sole discretion of the sergeant at arms,~~  
16 ~~capitol police officers shall be certified pursuant to the part-time certification~~  
17 ~~program of the VCJTC.~~

18 ~~(4) The VCJTC shall make training available to capitol police officers at~~  
19 ~~no expense to the sergeant at arms, and the VCJTC shall certify those officers~~  
20 ~~as capitol police officers if they meet the certification standards set by the~~  
21 ~~sergeant at arms, or as a regular law enforcement officer if the requirements of~~

1 the part-time certification program are met, regardless of the number of hours  
2 or weeks worked by the capitol police officer.

3 (5) Notwithstanding any other provision of law to the contrary, a capitol  
4 police officer shall be a law enforcement officer ~~as if certified by the Vermont~~  
5 criminal justice training council pursuant to the provisions of 20 V.S.A.  
6 chapter 151 ~~of Title 20~~.

7 (c) Coordination of capitol complex security: The capitol police  
8 department shall coordinate security within the state house and assist the  
9 commissioner of buildings and general services in providing security and law  
10 enforcement services within the capitol complex, as delineated in a  
11 memorandum of understanding signed by the commissioner and the sergeant at  
12 arms no later than June 30, 2000, and as subsequently amended. In all other  
13 areas of the capitol complex, except the space occupied by the supreme court,  
14 the security, control of traffic, and coordination of law enforcement activity  
15 shall be under the direction of the commissioner of buildings and general  
16 services, with which the capitol police department may assist.

17 Sec. 3. 20 V.S.A. § 2351 is amended to read:

18 § 2351. PURPOSE; DEFINITION

19 In order to promote and protect the health, safety, and welfare of the public,  
20 it is in the public interest to provide for the creation of “the Vermont criminal  
21 justice training council.” The council is created to encourage and assist

1 ~~municipalities, counties, and governmental agencies of this state in their efforts~~  
2 to improve the quality of law enforcement and citizen protection by  
3 maintaining a uniform standard of recruit and in-service training for law  
4 enforcement officers, including members of the department of public safety,  
5 capitol police officers, municipal police officers, constables, ~~corrections~~  
6 correctional officers, prosecuting personnel, motor vehicle inspectors, state  
7 investigators employed on a full-time basis by the attorney general, fish and  
8 game wardens, sheriffs and their deputies who exercise law enforcement  
9 powers pursuant to the provisions of ~~sections 311 and 307(a) of Title~~  
10 24 V.S.A. §§ 307 and 311, and railroad police commissioned pursuant to  
11 ~~30 V.S.A. chapter 45, subchapter 8~~ 5 V.S.A. chapter 68, subchapter 8. The  
12 council shall offer continuing programs of instruction in up-to-date methods of  
13 law enforcement and the administration of criminal justice. It is the  
14 responsibility of the council to encourage the participation of local  
15 governmental units in the program and to aid in the establishment of adequate  
16 training facilities.

17 Sec. 4. 20 V.S.A. § 2358 is amended to read:

18 § 2358. MINIMUM TRAINING STANDARDS

19 (a) Unless waived by the council under standards adopted by rule, and  
20 notwithstanding any statute or charter to the contrary, no person shall exercise  
21 law enforcement authority:

1 ~~(1) as a part-time law enforcement officer without completing a basic~~  
2 training course within a time prescribed by rule of the council; or

3 ~~(2) as a full-time law enforcement officer without either:~~

4 ~~(A) completing a basic training course in the time and manner~~  
5 prescribed by the council; or

6 ~~(B) having received, before July 1, 1968, permanent full-time~~  
7 appointment as a law enforcement officer, and completing a basic training  
8 course before July 1, 1982.

9 ~~(3) as a full or part-time law enforcement officer without completing~~  
10 annual in-service training requirements as prescribed by the council.

11 ~~(b) All programs required by this section shall be approved by the council.~~  
12 Completion of a program shall be established by a certificate to that effect  
13 signed by the executive director of the council.

14 ~~(c) For the purposes of this section:~~

15 ~~(1) "Law enforcement officer" means a member of the department of~~  
16 public safety who exercises law enforcement powers, a member of the state  
17 police, a capitol police officer, a municipal police officer, a constable who  
18 exercises law enforcement powers, a motor vehicle inspector, an employee of  
19 the department of liquor control who exercises law enforcement powers, an  
20 investigator employed by the secretary of state, board of medical practice  
21 investigators employed by the department of health, attorney general, or a

1 ~~state's attorney, a fish and game warden, a sheriff, or deputy sheriff who~~  
2 ~~exercises law enforcement powers, or a railroad police officer commissioned~~  
3 ~~pursuant to ~~30 V.S.A. chapter 45, subchapter 8~~ 5 V.S.A. chapter 68,~~  
4 ~~subchapter 8.~~

5 (2) "Full-time law enforcement officer" means a law enforcement  
6 officer with duties of a predictable and continuing nature which require more  
7 than 32 hours per week and more than 25 weeks per year.

8 (3) "Part-time law enforcement officer" means a law enforcement  
9 officer who is not employed full time.

10 (d) The council may determine whether a particular position is full-time or  
11 part-time. Any requirements in this section shall be optional for any elected  
12 official.

13 Sec. 5. EFFECTIVE DATE

14 This act shall take effect on July 1, 2012.

*Sec. 1. 2 V.S.A. § 64 is amended to read:*

*§ 64. EMPLOYMENT OF ASSISTANTS; ~~TRAFFIC CONTROL;~~ CAPITOL  
POLICE; TRAINING; UNIFORMS AND EQUIPMENT*

\* \* \*

*(c) ~~The sergeant at arms may employ a traffic control officer whose duties  
shall include, but not be limited to, overseeing necessary security measures  
and the control of traffic about the capitol building. The traffic control officer~~*

~~shall be an exempt state employee. The sergeant at arms with the approval of the joint rules committee shall fix the terms and compensation of the traffic control officer, who shall be entitled to receive the same annual salary adjustments available to classified employees in comparable salary ranges. At state expense and with the approval of the sergeant at arms, the traffic control officer and capitol police officers shall be provided with training, and furnished uniforms and equipment necessary in the performance of their duties, and such items shall remain the property of the state.~~

Sec. 2. 2 V.S.A. § 70 is amended to read:

§ 70. CAPITOL POLICE DEPARTMENT

(a) *Creation.* A capitol police department is created within the office of the sergeant at arms. The sergeant at arms shall appoint and may remove, at his or her pleasure, individuals as capitol police officers, one of whom shall be appointed to serve as chief. All such positions shall be exempt state employees. ~~The traffic control officer and any other employee of the sergeant at arms may, in addition to other positions and duties, be appointed as a capitol police officer.~~ The chief shall supervise the officer force under the direction of the sergeant at arms. Such appointments and all oaths or affirmations shall be in writing and filed with the sergeant at arms. An officer shall also serve as a deputy sergeant at arms and as a notary public pursuant to 24 V.S.A. § 442.

*(b) Powers; training.*

*(1) Capitol police officers shall have all the same powers and authority as sheriffs and other law enforcement officers anywhere in the state, which shall include the authority to arrest persons and enforce the civil and criminal laws, keep the peace, provide security, and to serve civil and criminal process. For this purpose, capitol police officers shall subscribe to the same oaths required for sheriffs.*

~~*(2) Capitol police officers who are not certified in either the full-time or part-time certification program of the Vermont criminal justice training council (VCJTC) shall meet qualification and certification standards prescribed by the sergeant at arms in consultation with the executive director of the VCJTC. In setting the standards, the sergeant at arms shall consider the part-time certification program provided to other law enforcement officers by the VCJTC.*~~

~~*(3) As an alternative, in the sole discretion of the sergeant at arms, capitol police officers shall be certified pursuant to the part-time certification program of the VCJTC.*~~

~~*(4) The VCJTC shall make training available to capitol police officers at no expense to the sergeant at arms, and the VCJTC shall certify those officers as capitol police officers if they meet the certification standards set by the sergeant at arms, or as a regular law enforcement officer if the requirements*~~

~~of the part-time certification program are met, regardless of the number of hours or weeks worked by the capitol police officer.~~

~~(5) Notwithstanding any other provision of law to the contrary, a capitol police officer shall be a law enforcement officer ~~as if~~ certified by the Vermont criminal justice training council pursuant to the provisions of 20 V.S.A. chapter 151 of Title 20.~~

(c) *Coordination of capitol complex security:* The capitol police department shall coordinate security within the state house and assist the commissioner of buildings and general services in providing security and law enforcement services within the capitol complex, as delineated in a memorandum of understanding signed by the commissioner and the sergeant at arms no later than June 30, 2000, and as subsequently amended. In all other areas of the capitol complex, except the space occupied by the supreme court, the security, control of traffic, and coordination of law enforcement activity shall be under the direction of the commissioner of buildings and general services, with which the capitol police department may assist.

Sec. 3. 20 V.S.A. § 2351 is amended to read:

§ 2351. PURPOSE; DEFINITION

*In order to promote and protect the health, safety, and welfare of the public, it is in the public interest to provide for the creation of “the Vermont criminal justice training council.” The council is created to encourage and assist*

*municipalities, counties, and governmental agencies of this state in their efforts to improve the quality of law enforcement and citizen protection by maintaining a uniform standard of recruit and in-service training for law enforcement officers, including members of the department of public safety, capitol police officers, municipal police officers, constables, ~~corrections~~ correctional officers, prosecuting personnel, motor vehicle inspectors, state investigators employed on a full-time basis by the attorney general, fish and game wardens, sheriffs and their deputies who exercise law enforcement powers pursuant to the provisions of ~~sections 311 and 307(a) of Title 24 V.S.A.~~ §§ 307 and 311, and railroad police commissioned pursuant to ~~30 V.S.A. chapter 45, subchapter 8~~ 5 V.S.A. chapter 68, subchapter 8. The council shall offer continuing programs of instruction in up-to-date methods of law enforcement and the administration of criminal justice. It is the responsibility of the council to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities.*

*Sec. 4. 20 V.S.A. § 2358 is amended to read:*

*§ 2358. MINIMUM TRAINING STANDARDS*

*(a) Unless waived by the council under standards adopted by rule, and notwithstanding any statute or charter to the contrary, no person shall exercise law enforcement authority:*

*(1) as a part-time law enforcement officer without completing a basic training course within a time prescribed by rule of the council; or*

*(2) as a full-time law enforcement officer without either:*

*(A) completing a basic training course in the time and manner prescribed by the council; or*

*(B) having received, before July 1, 1968, permanent full-time appointment as a law enforcement officer, and completing a basic training course before July 1, 1982.*

*(3) as a full or part-time law enforcement officer without completing annual in-service training requirements as prescribed by the council.*

*(b) All programs required by this section shall be approved by the council. Completion of a program shall be established by a certificate to that effect signed by the executive director of the council.*

*(c) For the purposes of this section:*

*(1) "Law enforcement officer" means a member of the department of public safety who exercises law enforcement powers, a member of the state police, a capitol police officer, a municipal police officer, a constable who exercises law enforcement powers, a motor vehicle inspector, an employee of the department of liquor control who exercises law enforcement powers, an investigator employed by the secretary of state, board of medical practice investigators employed by the department of health, attorney general, or a*

*state's attorney, a fish and game warden, a sheriff, or deputy sheriff who exercises law enforcement powers, or a railroad police officer commissioned pursuant to ~~30 V.S.A. chapter 45, subchapter 8~~ 5 V.S.A. chapter 68, subchapter 8.*

(2) *“Full-time law enforcement officer” means a law enforcement officer with duties of a predictable and continuing nature which require more than 32 hours per week and more than 25 weeks per year.*

(3) *“Part-time law enforcement officer” means a law enforcement officer who is not employed full time.*

(d) *The council may determine whether a particular position is full-time or part-time. Any requirements in this section shall be optional for any elected official.*

**Sec. 5. CONSTABLES; LAW ENFORCEMENT AUTHORITY**

*Notwithstanding the effective date of the amendment to 20 V.S.A. § 2358(d) set forth in Sec. 8 of No. 195 of the Acts of the 2007 Adj. Sess. (2008), any constable who, as of May 1, 2012, has commenced a basic training course in order to obtain certification through the Vermont criminal justice training council pursuant to 20 V.S.A. § 2358 and who is not prohibited from exercising law enforcement authority pursuant to 24 V.S.A. § 1936a shall have until July 1, 2013 to complete that training and may exercise his or her law enforcement authority until July 1, 2013. Thereafter, such a constable shall comply with*

the provisions of 20 V.S.A. § 2358 in order to exercise law enforcement authority.

*Sec. 6. VERMONT CRIMINAL JUSTICE TRAINING COUNCIL;*

*CONSTABLE FIELD TRAINING*

By a date that will allow those constables meeting the criteria set forth in Sec. 5 of this act (constables; law enforcement authority) to obtain certification through the Vermont criminal justice training council pursuant to 20 V.S.A. § 2358 by July 1, 2013, the council shall provide the field training necessary in order for those constables to become certified or shall provide to those constables an alternative source that will provide that field training, which may include the provision of field training by a constable of a different municipality who is a qualified field training officer and who is indemnified by the municipality of the constable receiving the field training. By January 15, 2014, the council shall report to the house and senate committees on judiciary and on government operations the sources from which constables received field training pursuant to this section.

*Sec. 7. INTERIM STUDY OF AND PROPOSED PLAN FOR*

*LEGISLATIVE PARKING*

(a) Creation of committee. There is created an interim study of legislative parking to study the issue of parking space availability as it affects members of the general assembly.

(b) Membership. The study shall be conducted by the sergeant at arms, the commissioner of buildings and general services, and the operations manager of the legislative council in consultation with members of senate and house leadership.

(c) Powers and duties. The study shall:

(1) evaluate the available parking spaces available within and around the capitol complex and, in particular, the parking spaces available for members of the general assembly;

(2) survey members of the 2011–2012 general assembly on whether there should be assigned parking spaces and, if so, the best manner in making those assignments;

(3) consider whether it is feasible to reserve 180 parking spaces for the exclusive use of members of the general assembly, taking into consideration:

(A) how those parking spaces would be allotted, such as by lottery or by seniority;

(B) the preservation of parking spaces for members who are reelected to the 2013–2014 general assembly and who currently have a parking space reserved due to having a special need, holding a leadership position, or for other circumstances; and

(C) the impact the reservations would have upon the remaining spaces currently available for capitol police, legislative staff, and others.

(d) Report. By November 15, 2012, the committee shall report electronically to the speaker of the house; the president pro tempore of the senate; the chairs of the house committee on corrections and institutions and the senate committee on institutions; and to each member of the general assembly its findings and a proposed plan that may be implemented by January 9, 2013.

*Sec. 8. EFFECTIVE DATE*

This act shall take effect on July 1, 2012.