

No. 130. An act relating to creating a National Guard provost marshal.

(H.750)

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

Sec. 1. 20 V.S.A. § 428 is added to read:

§ 428. PROVOST MARSHAL

(a) Appointment; qualifications.

(1) The Adjutant and Inspector General may:

(A) appoint to serve as provost marshal an officer who holds the rank of major (O-4) or below and is certified as a Level III law enforcement officer by the Vermont Criminal Justice Training Council; and

(B) appoint to serve as assistant provost marshal a noncommissioned officer who holds the rank of first sergeant (E-8) or below and is certified as a Level III law enforcement officer by the Vermont Criminal Justice Training Council.

(2) The provost marshal and the assistant provost marshal shall serve at the pleasure of the Adjutant and Inspector General.

(b) Duties. The provost marshal shall report directly to the Adjutant and Inspector General and shall have the following duties:

(1) Serve as the primary liaison between the Vermont National Guard and federal, State, and local law enforcement agencies, including:

(A) reporting and documenting criminal activity identified within the Guard;

(B) providing assistance to federal, State, and local law enforcement;

(C) overseeing the use of National Guard personnel and resources to assist civil authorities in relation to disasters, special events, and other similar activities; and

(D) coordinating with State's Attorneys and the Attorney General in cases related to members of the Vermont National Guard.

(2) Supervise the Vermont National Guard's utilization of the National Crime Information Center and the Vermont Crime Information Center.

(3) Oversee security-related issues, including:

(A) monitoring local and State threats and anti-terrorism efforts;

(B) coordinating with relevant agencies in relation to the security of high-risk personnel;

(C) cooperating with the Director of Military Support and other relevant federal agencies in anti-terrorism efforts and critical infrastructure protection in relation to domestic emergencies; and

(D) providing information to the Director of Military Support in relation to addressing criminal threats, handling of sensitive information, and information sharing with civilian law enforcement agencies.

(4) Respond to allegations of sexual assault within the Vermont National Guard, including:

(A) reporting and documenting allegations of sexual assault within the Guard;

(B) coordinating and communicating with the Vermont National Guard Sexual Assault Response Coordinator as appropriate;

(C) coordinating and communicating with federal, State, and local law enforcement in relation to allegations of sexual assault by a member of the Vermont National Guard; and

(D) coordinating with State's Attorneys and the Attorney General in cases related to an alleged sexual assault by a member of the Vermont National Guard.

(c) Powers. The provost marshal and the assistant provost marshal shall have the same powers and immunities as those conferred on the State Police by section 1914 of this title. The powers granted to the provost marshal and the assistant provost marshal under this section may be exercised statewide with respect to criminal activity in the National Guard only. Nothing in this subsection shall be construed to prevent an individual serving as the provost marshal or assistant provost marshal from working as an officer in another law enforcement agency or from exercising the law enforcement authority granted to officers working in that agency.

Sec. 2. 20 V.S.A. § 2351a is amended to read:

§ 2351a. DEFINITIONS

As used in this chapter:

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(3) “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 and Lottery who exercises law enforcement powers; an investigator employed by the Secretary of State; a Board of Medical Practice investigator employed by the Department of Health; an investigator employed by the Attorney General or a State’s Attorney; a fish and game warden; a sheriff; a deputy sheriff who exercises law enforcement powers; a railroad police officer commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8; ~~or~~ a police officer appointed to the University of Vermont’s Department of Police Services; or the provost marshal or assistant provost marshal of the Vermont National Guard.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

Date Governor signed bill: July 1, 2020