

1 S.26

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Public safety; Vermont Criminal Justice Training Council; Vermont

6 Police Academy; executive and supervising law enforcement officers;

7 Law Enforcement Advisory Board

8 Statement of purpose of bill as introduced: This bill proposes to:

9 (1) allow the Executive Director of the Vermont Criminal Justice Training
10 Council to designate employees of the Vermont Police Academy as law
11 enforcement officers, and provide that such designated officers shall be
12 considered Group C members of the State Retirement System;

13 (2) require that executive and supervising law enforcement officers of law
14 enforcement agencies meet certain certification requirements; and

15 (3) add two members to the Law Enforcement Advisory Board and
16 recodify the Board's location in statute.

17 An act relating to miscellaneous law enforcement amendments

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

2 * * * Vermont Criminal Justice Training Council * * *

3 Sec. 1. 20 V.S.A. chapter 151 is amended to read:

4 CHAPTER 151. VERMONT CRIMINAL JUSTICE TRAINING COUNCIL

5 Subchapter 1. General Provisions

6 § 2351. CREATION AND PURPOSE OF COUNCIL

7 (a) In order to promote and protect the health, safety, and welfare of the
8 public, it is in the public interest to provide for the creation of the Vermont
9 Criminal Justice Training Council.

10 (b) The Council is created to encourage and assist municipalities, counties,
11 and governmental agencies of this State in their efforts to improve the quality
12 of law enforcement and citizen protection by maintaining a uniform standard
13 of ~~recruit~~ recruitment and in-service training for law enforcement officers,
14 ~~including members of the Department of Public Safety, Capitol Police officers,~~
15 ~~municipal police officers, constables, correctional officers, prosecuting~~
16 ~~personnel, motor vehicle inspectors, State investigators employed on a~~
17 ~~full-time basis by the Attorney General, fish and game wardens, sheriffs and~~
18 ~~their deputies who exercise law enforcement powers pursuant to the provisions~~
19 ~~of 24 V.S.A. §§ 307 and 311, railroad police commissioned pursuant to~~
20 ~~5 V.S.A. chapter 68, subchapter 8, and police officers appointed to the~~
21 ~~University of Vermont's Department of Police Services.~~

1 (c) The Council shall offer continuing programs of instruction in up-to-date
2 methods of law enforcement and the administration of criminal justice.

3 (d) It is the responsibility of the Council to encourage the participation of
4 local governmental units in the program and to aid in the establishment of
5 adequate training facilities.

6 § 2351a. DEFINITIONS

7 As used in this chapter:

8 (1) “Executive officer” means the highest-ranking law enforcement
9 officer of a law enforcement agency.

10 (2) “Law enforcement agency” means the employer of a law
11 enforcement officer.

12 (3) “Law enforcement officer” means an employee of the Vermont
13 Police Academy designated as a law enforcement officer under section 2356 of
14 this chapter; a member of the Department of Public Safety who exercises law
15 enforcement powers; a member of the State Police; a Capitol Police officer; a
16 municipal police officer; a constable who exercises law enforcement powers; a
17 motor vehicle inspector; an employee of the Department of Liquor Control
18 who exercises law enforcement powers; an investigator employed by the
19 Secretary of State; a Board of Medical Practice investigator employed by the
20 Department of Health; an investigator employed by the Attorney General or a
21 State’s Attorney; a fish and game warden; a sheriff; a deputy sheriff who

1 exercises law enforcement powers; a railroad police officer commissioned
2 pursuant to 5 V.S.A. chapter 68, subchapter 8; or a police officer appointed to
3 the University of Vermont's Department of Police Services.

4 (4) "Off-site training" means training provided off the premises of a law
5 enforcement officer training school and approved by the Council under the
6 provisions of section 2355 of this chapter.

7 * * *

8 § 2356. VERMONT POLICE ACADEMY; LAW ENFORCEMENT
9 OFFICERS

10 (a) The Executive Director of the Council may designate any employee of
11 the Vermont Police Academy to be a law enforcement officer if the employee
12 successfully completes the requirements for certification set forth in this
13 chapter.

14 (b) A person designated as a law enforcement officer under subsection (a)
15 of this section shall have statewide law enforcement authority.

16 * * *

17 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

18 * * *

19 (d) ~~As used in this section:~~

20 (1) ~~"Law enforcement officer" means a member of the Department of~~
21 ~~Public Safety who exercises law enforcement powers, a member of the State~~

1 ~~Police, a Capitol Police officer, a municipal police officer, a constable who~~
2 ~~exercises law enforcement powers, a motor vehicle inspector, an employee of~~
3 ~~the Department of Liquor Control who exercises law enforcement powers, an~~
4 ~~investigator employed by the Secretary of State, Board of Medical Practice~~
5 ~~investigators employed by the Department of Health, Attorney General, or a~~
6 ~~State's Attorney, a fish and game warden, a sheriff, or deputy sheriff who~~
7 ~~exercises law enforcement powers, a railroad police officer commissioned~~
8 ~~pursuant to 5 V.S.A. chapter 68, subchapter 8, or a police officer appointed to~~
9 ~~the University of Vermont's Department of Police Services.~~

10 (2) ~~“Off-site training” means training provided off the premises of a law~~
11 ~~enforcement officer training school and approved by the Council under the~~
12 ~~provisions of section 2355 of this chapter.~~

13 (3) [Repealed.]

14 * * *

15 § 2359. EXECUTIVE AND SUPERVISING OFFICERS; CERTIFICATION

16 REQUIREMENTS

17 (a) Executive officers.

18 (1) An executive officer shall be Level III certified.

19 (2) The provisions of subdivision (1) of this subsection shall not apply
20 to an elected official.

1 **(b) Supervising officers.**

2 **(1) A law enforcement officer in a supervisory position shall not**
3 **supervise a law enforcement officer who is certified at a higher level than the**
4 **supervising officer.**

5 **(2) The provisions of subdivision (1) of this subsection shall not apply**
6 **to an elected official.**

7 * * *

8 **Sec. 2. TRANSITIONAL PROVISIONS REGARDING CURRENT**
9 **EXECUTIVE AND SUPERVISING OFFICERS**

10 **The certification requirements for executive and supervising officers set**
11 **forth in 20 V.S.A. § 2359 (executive and supervising officers; certification**
12 **requirements) in Sec. 1 of this act shall not apply to an executive or**
13 **supervising officer in his or her current position in his or her current law**
14 **enforcement agency in effect on the effective date of that section.**

15 * * * Law Enforcement Advisory Board * * *

16 **Sec. 3. REPEAL**

17 **24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.**

18 **Sec. 4. 20 V.S.A. § 1818 is added to read:**

19 **§ 1818. LAW ENFORCEMENT ADVISORY BOARD**

20 **(a) The Law Enforcement Advisory Board is created within the Department**
21 **of Public Safety to advise the Commissioner of Public Safety, the Governor,**

1 and the General Assembly on issues involving the cooperation and
2 coordination of all agencies that exercise law enforcement responsibilities.

3 The Board shall review any matter that affects more than one law enforcement
4 agency. The Board shall comprise the following members:

5 (1) the Commissioner of Public Safety;

6 (2) the Director of the Vermont State Police;

7 (3) the Director of the Vermont Criminal Justice Services Division;

8 (4) a member of the Vermont Association of Chiefs of Police appointed
9 by the President of the Association;

10 (5) a member of the Vermont Sheriffs' Association appointed by the
11 President of the Association;

12 (6) a representative appointed by the Vermont League of Cities and
13 Towns appointed by the Executive Director;

14 (7) a member of the Vermont Police Association appointed by the
15 President of the Association;

16 (8) the Attorney General or designee;

17 (9) a State's Attorney appointed by the Executive Director of the
18 Department of State's Attorneys and Sheriffs;

19 (10) the U.S. Attorney or designee;

20 (11) the Executive Director of the Vermont Criminal Justice Training
21 Council;

1 (12) the Defender General or designee;

2 (13) one representative of the Vermont Troopers' Association or its
3 successor entity, elected by its membership;

4 (14) a member of the Vermont Constables Association appointed by the
5 President of the Association;

6 (15) the Commissioner of Fish and Wildlife or designee; and

7 (16) the Commissioner of Motor Vehicles or designee.

8 (b) The Board shall elect a chair and a vice chair, which shall rotate among
9 the various member representatives. Each member shall serve a term of two
10 years. The Board shall meet at the call of the Chair. A quorum shall consist of
11 nine members, and decisions of the Board shall require the approval of a
12 majority of those members present and voting.

13 (c) The Board shall undertake an ongoing formal review process of law
14 enforcement policies and practices with a goal of developing a comprehensive
15 approach to providing the best services to Vermonters, given monies available.
16 The Board shall also provide educational resources to Vermonters about public
17 safety challenges in the State.

18 (d)(1) The Board shall meet no fewer than six times a year to develop
19 policies and recommendations for law enforcement priority needs, including
20 retirement benefits, recruitment of officers, training needs, homeland security
21 issues, dispatching, and comprehensive drug enforcement. The Board shall

1 present its findings and recommendations in brief summary to the House and
2 Senate Committees on Judiciary annually on or before January 15.

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

5 Sec. 5. RECODIFICATION

6 (a) 24 V.S.A. § 1939 is recodified as 20 V.S.A. § 1818. During statutory
7 revision, the Office of Legislative Council shall revise accordingly any
8 references to 24 V.S.A. § 1939 in the Vermont Statutes Annotated.

9 (b) Any references in session law and adopted rules to 24 V.S.A. § 1939 as
10 previously codified shall be deemed to refer to 20 V.S.A. § 1818.

11 * * * Vermont Police Academy Officers; Retirement * * *

12 Sec. 6. 3 V.S.A. § 455 is amended to read:

13 § 455. DEFINITIONS

14 (a) As used in this subchapter:

15 * * *

16 (9) "Employee" shall mean:

17 * * *

18 (B) Any regular officer or employee of the Department of Public
19 Safety assigned to police and law enforcement duties, including the
20 Commissioner of Public Safety appointed before July 1, 2001; but, irrespective
21 of the member's classification, shall not include any member of the General

1 Assembly as such, any person who is covered by the Vermont Teachers'
2 Retirement System, any person engaged under retainer or special agreement or
3 C beneficiary employed by the Department of Public Safety for not more than
4 208 hours per year, or any person whose principal source of income is other
5 than State employment. In all cases of doubt, the Retirement Board shall
6 determine whether any person is an employee as defined in this subchapter.
7 Also included under this subdivision are employees of the Department of
8 Liquor Control who exercise law enforcement powers, employees of the
9 Department of Fish and Wildlife assigned to law enforcement duties, motor
10 vehicle inspectors, full-time deputy sheriffs compensated by the State of
11 Vermont whose primary function is transports, full-time members of the
12 Capitol Police force, employees of the Vermont Police Academy designated as
13 law enforcement officers, investigators employed by the Criminal Division of
14 the Office of the Attorney General, Department of State's Attorneys,
15 Department of Health, or Office of the Secretary of State, who have attained
16 Level III law enforcement officer certification from the Vermont Criminal
17 Justice Training Council, who are required to perform law enforcement duties
18 as the primary function of their employment, and who may be subject to
19 mandatory retirement permissible under 29 U.S.C. § 623(j), who are first
20 included in membership of the system on or after July 1, 2000. Also included

1 under this subdivision are full-time firefighters employed by the State of
2 Vermont and the Defender General.

3 * * *

4 (11) "Member" shall mean any employee included in the membership of
5 the Retirement System under section 457 of this title.

6 * * *

7 (C) "Group C members" shall mean employees classified under
8 subdivision ~~(9)(B) of subdivision (9)~~ of this subsection who become members
9 as of the date of establishment, any person who is first included in the
10 membership of the System on or after July 1, 1998, any person who was a
11 group B member on June 30, 1998, who was in service on that date, and any
12 person who was a group B member on June 30, 1998, who was absent from
13 service on that date who returns to service on or after July 1, 1998.

14 * * *

15 * * * Effective Date * * *

16 Sec. 7. EFFECTIVE DATE

17 This act shall take effect on July 1, 2017.