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* * * Liquor Control Investigators * * *

Sec. 1. TRANSFER OF POSITIONS AND ASSOCIATED
APPROPRIATIONS FROM THE DEPARTMENT OF LIQUOR
CONTROL TO THE DEPARTMENT OF PUBLIC SAFETY;
LEGISLATIVE INTENT; DRAFT LEGISLATION

(a) On the effective date of this act, the following positions and the appropriations associated with those positions are transferred from the Department of Liquor Control to the Department of Public Safety:

- (A) liquor control investigators;
- (B) investigator supervisors; and
- (C) Director of Enforcement.

(b) It is the intent of the General Assembly that the Department of Liquor Control and the Liquor Control Board shall no longer employ liquor control law enforcement officers, and that any references in the law to Department of Liquor Control or Liquor Control Board investigators or inspectors shall be meant to refer to liquor control investigators employed by the Department of Public Safety.

(c) On or before January 15, 2016, the Office of Legislative Council shall draft legislation that would amend the Vermont Statutes Annotated in accordance with the provisions of this section.

1 Sec. 2. 7 V.S.A. § 104 is amended to read:

2 § 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

3 The Board shall have supervision and management of the sale of spirituous liquors
4 within the State in accordance with the provisions of this title, and through the
5 Commissioner of Liquor Control shall:

6 (1) ~~See that the laws relating to intoxicating liquor and to the manufacture, sale,~~
7 ~~transportation, barter, furnishing, importation, exportation, delivery, prescription and~~
8 ~~possession of malt and vinous beverages, spirituous liquors and alcohol by licensees and~~
9 ~~others are enforced, using for that purpose such of the monies annually available to the~~
10 ~~Liquor Control Board as may be necessary. However, the Liquor Control Board and its~~
11 ~~agents and inspectors shall act in this respect in collaboration with sheriffs, deputy~~
12 ~~sheriffs, constables, officers, and members of village and city police forces, control~~
13 ~~commissioners, the Attorney General, state's attorneys, and town and city grand jurors.~~
14 ~~When the Board acts to enforce any section of this title or any administrative rule or~~
15 ~~regulation relating to sale to minors, its investigation on the alleged violation shall be~~
16 ~~forwarded to the Attorney General or the appropriate state's attorney whether or not there~~
17 ~~is an administrative finding of wrongdoing. Nothing in this section shall be deemed to~~
18 ~~affect the responsibility or duties of such enforcement officers or agencies with respect to~~
19 ~~the enforcement of such laws. The Commissioner or his or her designee is authorized to~~
20 ~~prosecute~~ Prosecute administrative matters under this section ~~and shall have~~ through the
21 Commissioner or his or her designee, which shall include the authority to enter into direct
22 negotiations with a licensee to reach a proposed resolution or settlement of an alleged
23 violation, subject to Board approval, or dismissal with or without prejudice. When a

1 prosecution relates to the sale of alcohol to minors, the Board shall forward the alleged
2 violation to the Attorney General or the appropriate State's Attorney, regardless of
3 whether there is an administrative finding of wrongdoing.

4 * * *

5 Sec. 3. 7 V.S.A. § 571 is amended to read:

6 § 571. SEARCH OF VEHICLE OR CRAFT WITHOUT WARRANT

7 (a) If a sheriff, deputy sheriff, constable, police officer, ~~commissioner of liquor~~
8 ~~control or inspector duly acting for the liquor control board,~~ Department of Public Safety
9 liquor control investigator, or ~~state police~~ State Police officer has reason to believe and
10 does believe, that a person is engaged in the act of smuggling, delivering, or transporting,
11 in violation of law, malt or vinous beverages, spirituous liquors, or alcohol in any wagon,
12 buggy, automobile, motor vehicle, air or water craft, or other vehicle, he or she shall
13 search for and seize without warrant, malt or vinous beverages, spirituous liquors, or
14 alcohol found therein being smuggled, delivered, or transported contrary to law.

15 (b) Whenever malt or vinous beverages ~~or~~, spirituous liquors, or alcohol, transported
16 unlawfully or alcohol possessed illegally shall be seized by such officer, he or she shall
17 take possession of the vehicle, team, automobile, boat, air or water craft, or other
18 conveyance and shall arrest the person in charge thereof.

19 * * * Department of Public Safety * * *

20 Sec. 4. 20 V.S.A. chapter 113 (Commissioner and members), subchapter 2 is amended to
21 read:

22 Subchapter 2. Public Safety Officers and State Police

1 § 1901. DIVISION OF PUBLIC SAFETY OFFICERS; CREATION AND
2 PURPOSE

3 The Division of Public Safety Officers is created under the Department of Public
4 Safety to provide specialized law enforcement services within the State. The Division
5 includes liquor control investigators, who shall have the powers and duties regarding the
6 enforcement of liquor laws as set forth in Title 7 of the Vermont Statutes Annotated.

7 §§ 1902–1910. Reserved.

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9 Sec. 7. EFFECTIVE DATE

10 This act shall take effect on passage.

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