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DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION

TO THE HOUSE OF REPRESENTATIVES:

The Committee on Government Operations to which was referred Senate Bill No. 124 entitled “An act relating to governmental structures protecting the public health, safety, and welfare” respectfully reports that it has considered the same and recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Vermont Criminal Justice Training Council * * *

Sec. 1. 20 V.S.A. § 2351 is amended to read:

§ 2351. CREATION AND PURPOSE OF COUNCIL

* * *

(b) 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 ~~recruitment~~ ~~recruit~~ **basic training for law enforcement applicants** and in-service training for law enforcement officers.

* * *

Sec. 2. 20 V.S.A. § 2352 is amended to read:

§ 2352. COUNCIL MEMBERSHIP

(a)(1) The Vermont Criminal Justice Training Council shall consist of:

Commented [BW1]: Potential technical correction to use the Council’s preferred term “law enforcement applicant” rather than “recruit,” and to clarify that applicants go through “basic training” (whereas certified LEOs must complete annual “in-service training”).

Commented [BW2]: [Council membership would have also been amended in [2018, S.273](#), Sec. 4, but not verbatim to this Sec. 2]

- 1 (A) the Commissioners of Public Safety, of Corrections, of Motor
2 Vehicles, ~~and of Fish and Wildlife, and of Mental Health;~~
- 3 (B) the Attorney General;
- 4 (C) the Executive Director of the Department of State’s Attorneys
5 and Sheriffs;
- 6 (D) the Executive Director of Racial Equity;
- 7 (E) a member of the Vermont Troopers’ Association or its successor
8 entity, elected by its membership;
- 9 ~~(D)~~(F) a member of the Vermont Police Association, elected by its
10 membership; ~~and~~
- 11 ~~(E)~~(G) five additional members appointed by the Governor.
- 12 (i) ~~The Governor’s appointees shall provide broad representation~~
13 ~~of all aspects of law enforcement and the public in Vermont on the Council.~~
- 14 (ii) ~~The Governor shall solicit recommendations for appointment~~
15 ~~from the Vermont State’s Attorneys Association, the Vermont State’s Sheriffs~~
16 ~~Association, the Vermont Police Chiefs Association, and the Vermont~~
17 ~~Constables Association~~ a member of the Chiefs of Police Association of
18 Vermont, appointed by the President of the Association;
- 19 (H) a member of the Vermont Sheriffs’ Association, appointed by the
20 President of the Association;

1 expenses ~~incurred in the performance of their duties.~~ Per diem compensation
2 and reimbursement of expenses under this subsection shall be made as
3 permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.

4 * * *

5 **Sec. 3.** TRANSITIONAL PROVISION TO ADDRESS NEW COUNCIL

Commented [BW3]: [Same as 2018, S.273, Sec. 4a]

6 MEMBERSHIP

7 Any existing member of the Vermont Criminal Justice Training Council
8 who will serve on the Council under its new membership as set forth in Sec. 2
9 of this act may serve the remainder of his or her term in effect immediately
10 prior to the effective date of Sec. 2.

11 Sec. 4. 20 V.S.A. § 2355 is amended to read:

12 § 2355. COUNCIL POWERS AND DUTIES

13 (a) The Council shall adopt rules with respect to:

14 ~~(1)~~ the approval, or revocation thereof, of law enforcement officer
15 training schools and off-site training programs, which shall include rules to
16 identify and implement alternate routes to certification aside from the training
17 provided at the Vermont Police Academy;

Commented [BW4]: [Same as 2018, S.273, Sec. 5]

18 * * *

19 ~~(1)~~ The Council shall conduct and administer training schools and offer
20 courses of instruction for law enforcement officers and other criminal justice
21 personnel. The Council shall offer courses of instruction for law enforcement

Commented [BW5]: [Similar to 2018, S.273, Sec. 5]

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1 officers in different areas of the State and shall strive to offer nonovernight
2 courses whenever possible.

3 (2) The Council may also offer the basic officer’s course for ~~pre-service~~
4 preservice students and educational outreach courses for the public, including
5 firearms safety and use of force.

6 * * *

7 Sec. 5. 20 V.S.A. § 2358 is amended to read:

8 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

9 * * *

10 (b) The Council shall offer or approve basic training and annual in-service
11 training for each of the following three levels of law enforcement officer
12 certification in accordance with the scope of practice for each level, and shall
13 determine by rule the scope of practice for each level in accordance with the
14 provisions of this section:

15 (1) Level I certification.

16 * * *

17 (2) Level II certification.

18 * * *

19 (3) Level III certification.

20 * * *

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1 (c)~~(1)~~ All programs required by this section shall be approved by the
2 Council.

3 ~~(2)~~ The Council shall structure its programs so that on and after July 1,
4 2021, a Level II certified officer may use portfolio experiential learning or
5 College Level Examination Program (CLEP) testing in order to transition to
6 Level III certification, without such an officer needing to restart the
7 certification process.

Commented [BW6]: [Similar to 2018, S.273, Sec. 7, except that S.273 would have required the Council to have a plan – including an implementation schedule – to structure its training so that Level II LEOs can transition to Level III, whereas this subdiv. (c)(2) requires the Council to structure its programs for an LEO to do so by 7/1/21 using portfolio experiential learning or CLEP testing.]

8 (3) Completion of a program shall be established by a certificate to that
9 effect signed by the Executive Director of the Council.

10 * * *

11 Sec. 6. COUNCIL; REPORT ON CHANGES IN TRAINING OPTIONS;
12 RULE ADOPTION DEADLINE

13 (a) Report. On or before January 15, 2021, the Executive Director of the
14 Vermont Criminal Justice Training Council shall report to the Senate and
15 House Committees on Government Operations regarding the Council's:

16 (1) plan to replace some of its overnight law enforcement training
17 requirements at the Robert H. Wood, Jr. Criminal Justice and Fire Service
18 Training Center of Vermont (the Police Academy) with nonovernight training
19 in other areas of the State, in accordance with 20 V.S.A. § 2355(b)(1) in Sec. 4
20 of this act; and

Commented [BW7]: [Similar to the report back in 2018, S.273, Sec. 6, except that report would have required the Council to specifically address any budgetary implications.]

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1 (2) changes in the structure of its programs to enable a law enforcement
2 officer to transition from Level II to Level III certification as required by
3 20 V.S.A. § 2358(c)(2) in Sec. 5 of this act.

4 (b) Rules. On or before July 1, 2023, the Council shall finally adopt the
5 rules regarding alternate routes to certification required by 20 V.S.A.
6 § 2355(a)(1) in Sec. 4 of this act, unless that deadline is extended by the
7 Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

8 ~~Sec. 6a.~~ 20 V.S.A. § 2359 is added to read:

9 § 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

10 COMPLIANCE

11 (a) On and after January 1, 2022, a law enforcement agency shall be
12 prohibited from having its law enforcement applicants or officers trained by
13 the Police Academy or from otherwise using the services of the Council if the
14 agency is not in compliance with the requirements for collecting roadside stop
15 data under section 2366 of this chapter or the requirement to adopt, follow, or
16 enforce any policy required under this chapter.

17 (b) The Council shall adopt procedures to enforce the requirements of this
18 section, which may allow for waivers for agencies under a plan to obtain
19 compliance with this section.

Commented [BW8]: Similar to, but not the same as, [2020 Act 147 \(S.219\)](#), Secs. 2 and 3, which require the Sec. of Admin to review grants from State agencies to local LEAs and constables and only approve a grant if the LEA or constable has complied with race data reporting requirements of [20 V.S.A. § 2366\(e\)](#), and to notify LEAs and constables of this requirement.

Conversely, this statute would prohibit LEAs from using Council services if the LEA is not in compliance with the § 2366 requirement to collect roadside stop data or any other policy required under the chapter (exs.: FIP policy in § 2366(a) or the electronic control device (taser) policy in § 2367).

1 **Sec. 7.** 20 V.S.A. § 2361 is amended to read:

Commented [BW9]: [Same as 2018, S.273, Sec. 8]

2 § 2361. ADDITIONAL TRAINING

3 (a) Nothing in this chapter prohibits any State law enforcement agency,
4 ~~department, or office or any municipality or county of the State~~ from providing
5 additional training beyond basic training to its personnel where no certification
6 is requested of or required by the Council or its Executive Director.

7 (b) The ~~head of a State agency, department, or office, a municipality's chief~~
8 ~~of police, or a sheriff~~ executive officer of a law enforcement agency may seek
9 certification from the Council for any in-service training he ~~or~~ she, or his or
10 her designee may provide to ~~his or her employees~~ law enforcement officers of
11 his or her agency or of another agency, or both.

12 Sec. 8. 20 V.S.A. § 2362a is amended to read:

13 § 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT

14 CURRENT OR FORMER AGENCY

15 (a)(1) Prior to hiring a law enforcement officer ~~who is no longer employed~~
16 ~~at his or her last law enforcement agency,~~ the executive officer of a potential
17 hiring law enforcement agency shall:

18 (A) require that officer to execute a written waiver that explicitly
19 authorizes the officer's;

1 (i) current law enforcement agency employer to disclose its
2 analysis of the officer’s performance at that agency, if the officer is still
3 employed at that agency; or

4 (ii) last law enforcement agency employer to disclose the reason
5 that officer is no longer employed by that agency, if the officer is not currently
6 employed at an agency; and

7 (B) contact that ~~former~~ agency to ~~determine that reason~~ obtain that
8 disclosure and provide to that agency a copy of that written waiver.

9 (2) An officer who refuses to execute the written waiver shall not be
10 hired by the potential hiring agency.

11 (b)(1)(A) If that current or former agency is a law enforcement agency in
12 this State, the executive officer of that current or former agency or designee
13 shall disclose to the potential hiring agency in writing its analysis of the
14 officer’s performance at that agency or the reason the officer is no longer
15 employed by the former agency, as applicable.

16 (B) The executive officer or designee shall send a copy of the
17 disclosure to the officer at the same time he or she sends it to the potential
18 hiring agency.

19 (2) Such a current or former agency shall be immune from liability for
20 its disclosure described in subdivision (1) of this subsection, unless such
21 disclosure would constitute intentional misrepresentation or gross negligence.

* * *

Sec. 9. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE

The requirement of a current law enforcement agency to disclose its analysis of its law enforcement officer's performance at the agency as set forth in 20 V.S.A. § 2362a in Sec. 8 of this act shall not apply if there is a binding nondisclosure agreement prohibiting that disclosure that was executed prior to the effective date of that section.

~~Sec. 9a.~~ 20 V.S.A. § 2368 is added to read:

§ 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERAS

POLICY

(a) On ~~or before~~ **and after** January 1, 2022, each law enforcement agency **that authorizes its law enforcement officers to use body cameras** shall adopt, follow, and enforce the Model Body Worn Camera (BWC) Policy established by the Law Enforcement Advisory Board pursuant to 2016 Acts and Resolves No. 163, and each law enforcement officer **who uses a body camera** shall comply with the provisions of that policy.

(b) The Council shall incorporate the provisions of this section into training it provides.

Commented [BW10]: Similar to, but not the same as, 2020, Act 147 (S.219), Secs. 7 and 8, which require DPS LEOs to use body cameras or other video recording devices, and DPS to immediately acquire and deploy those devices.

However, separately, note that via 2020, Act 147 (S.219), Sec. 1(c)(5), the Leg. committed to working on reviewing the LEAB and ACLU's model body camera policies, "**and developing a statewide policy for adoption prior to the eff. date of Sec. 7**" (DPS' LEO requirement to use body cameras), which via Sec. 10(c) is **10/1/20**.

Conversely, this section would require using body cameras consistent **with the LEAB's policy** beginning **1/1/22**.

Potential amendment to clarify that LEAs and LEOs must comply with the LEAB body camera policy if the LEA authorizes its LEOs to use body cams or the LEO uses a body cam.

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1 Sec. 10. 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council),
2 subchapter 2 is amended to read:

3 Subchapter 2. Unprofessional Conduct

4 ~~§ 2401. DEFINITIONS~~

5 ~~As used in this subchapter:~~

6 ~~(1) “Category A conduct” means:~~

7 ~~(A) A felony;~~

8 ~~(B) A misdemeanor that is committed while on duty and did not~~
9 ~~involve the legitimate performance of duty.~~

10 ~~(C) Any of the following misdemeanors, if committed off duty:~~

11 ~~(i) simple assault, second offense;~~

12 ~~(ii) domestic assault;~~

13 ~~(iii) false reports and statements;~~

14 ~~(iv) driving under the influence, second offense;~~

15 ~~(v) violation of a relief from abuse order or of a condition of~~
16 ~~release;~~

17 ~~(vi) stalking;~~

18 ~~(vii) false pretenses;~~

19 ~~(viii) voyeurism;~~

20 ~~(ix) prostitution or soliciting prostitution;~~

21 ~~(x) distribution of a regulated substance;~~

1 days if any of the following occur in regard to a law enforcement officer of the
2 agency:

3 (A) Category ~~(A)~~.

4 (i) There is a finding of probable cause by a court that the officer
5 committed Category A conduct.

6 (ii) There is any decision or findings of fact or verdict regarding
7 allegations that the officer committed Category A conduct, including a judicial
8 decision and any appeal therefrom.

9 (B) Category B.

10 (i) The agency receives a credible complaint against the officer
11 that, ~~if deemed credible by the executive officer of the agency as a result of a~~
12 ~~valid investigation~~, alleges that the officer committed Category B conduct.

13 (ii) The agency receives or issues any of the following:

14 (I) a report or findings of a valid investigation finding that the
15 officer committed Category B conduct; or

16 (II) any decision or findings, including findings of fact or
17 verdict, regarding allegations that the officer committed Category B conduct,
18 including a hearing officer decision, arbitration, administrative decision, or
19 judicial decision, and any appeal therefrom.

20 (C) Termination. The agency terminates the officer for Category A
21 or Category B conduct.

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1 (D) Resignation. The officer resigns from the agency while under
2 investigation for unprofessional conduct.

3 (2) As part of his or her report, the executive officer of the agency or the
4 chair of the civilian review board shall provide to the Council a copy of any
5 relevant documents associated with the report, including any findings,
6 decision, and the agency's investigative report.

7 (b) The Council shall provide a copy of any report and the relevant
8 documents provided with it to the Council Advisory Committee, which shall
9 recommend any appropriate action to take in regard to a law enforcement
10 officer who is the subject of that report.

11 (c) The Executive Director of the Council shall report to the Attorney
12 General and the State's Attorney of jurisdiction any allegations that an officer
13 committed Category A conduct.

14 * * *

15 **Sec. 10a. LAW ENFORCEMENT RECOMMENDATIONS**

16 In order to further the goal of defining law enforcement officers as
17 community guardians, the following entities shall report to the Senate and
18 House Committees on Government Operations on or before January 15, 2021
19 on their progress in regard to the following topics, including any
20 recommendations for legislative action:

Commented [BW12]: Similar to, but not the same as, 2020, Act 147 (S.219), Sec. 1, which set forth the legislative intent for the General Assembly and its committees to continue to address many of these issues.

Conversely, this section requires specified entities to report back to the Gov Ops committees on various issues.

1 (1) Law enforcement officer qualifications.

2 (A) The Law Enforcement Advisory Board shall recommend
3 universal standards for interviewing and hiring new law enforcement officers
4 in order to recognize applicant qualities that are desirable and those that are
5 not. The Board shall specifically recommend standards that should apply to
6 officers in a supervisory role.

7 (B) The Criminal Justice Training Council (Council) shall consult
8 with the Human Rights Commission, the American Civil Liberties Union, and
9 other relevant organizations and individuals in reviewing law enforcement
10 applicants' current written, oral, and psychological examinations for cultural
11 sensitivities and overall appropriateness.

12 (2) Law enforcement officer training.

13 (A) The Council, in consultation with the Racial Disparities in the
14 Criminal and Juvenile Justice System Advisory Panel, the Human Rights
15 Commission, the American Civil Liberties Union, and other relevant
16 stakeholders, shall review the current requirements for basic and annual in-
17 service training in order to determine whether appropriate training is provided
18 in the areas of cultural awareness, implicit bias, de-escalation, and recognition
19 of and appropriately responding to individuals with a mental condition, and
20 whether that training is embedded into training on other policing policies such
21 as traffic stops and searches.

Commented [BW13]: Note that 2020, Act 147 (S.219), Sec.1(c)(4) stated that the Leg. is committed to evaluating whether and how to gather data re: interactions between LEOs and people with mental health issues.

1 (B) In consideration of its analysis in subdivision (A) of this
2 subdivision (2), and in reviewing current training requirements and how that
3 training is used in practice, the Council shall recommend any amendments to
4 statutorily required training that may not be necessary for all officers.

5 (C) The Council, Law Enforcement Advisory Board, and Department
6 of Public Safety shall consult with the Vermont League of Cities and Towns
7 and other interested stakeholders to determine whether:

8 (i) the Council should be reestablished within a State agency or
9 other oversight entity;

10 (ii) the Police Academy should be relocated to a different area of
11 the State; and

12 (iii) there should be more flexibility in the residential and field
13 training required of law enforcement applicants, including whether applicants
14 should be able to satisfy some aspects of basic training through experiential
15 learning.

16 (3) Models of civilian oversight. The Office of Attorney General shall
17 consult with the Council, the Human Rights Commission, the Vermont League
18 of Cities and Towns, and other interested parties to recommend one or more
19 models of civilian oversight of law enforcement.

20 (4) Reporting allegations of law enforcement misconduct. The Office of
21 Attorney General shall consult with the Council, the Human Rights

Commented [BW14]: Note that via 2020, Act 147 (S.219), Sec. 1(c)(2), the Leg. committed to working on whether to resituate the Council under the jurisdiction of DPS.

1 Commission, the American Civil Liberties Union, and other interested parties
2 in order to identify a central point for reporting allegations of law enforcement
3 officer misconduct, which may be the Council or another entity, and how those
4 allegations should be handled.

5 (5) Access to complaint information. The Council Advisory Committee
6 shall consult with the Secretary of State, the Human Rights Commission, the
7 American Civil Liberties Union, and other interested parties in reviewing
8 public access to records related to allegations of law enforcement officer
9 misconduct and substantiations of those allegations in order to recommend any
10 changes to current practice.

11 (6) Body cameras.

12 (A)(i) The Law Enforcement Advisory Board shall report any
13 changes it deems necessary to the Model Body Worn Camera (BWC) Policy
14 that it established pursuant to 2016 Acts and Resolves No. 163.

15 (ii) After consulting with the Secretary of State, the Human Rights
16 Commission, the American Civil Liberties Union, and other interested parties,
17 the Board shall specifically recommend policies for responding to public
18 records requests for body camera footage, including any recommended
19 timelines to respond, how and what footage should be redacted, length of
20 footage retention, and storage.

Commented [BW15]: Note that via 2020, Act 147 (S.219), Sec. 1(c)(5), the Leg. committed to working on reviewing the LEAB and ACLU's model body camera policies," **and developing a statewide policy for adoption prior to the eff. date of Sec. 7**" (DPS' LEO requirement to use body cameras), which via Sec. 10(c) is **10/1/20**.

Conversely, this subdiv. (6)(A) would require LEAB to report back on any recommended changes to its model policy by **1/15/21**. Via Sec. 9a of this bill, LEAs and LEOs would need to comply with the LEAB's policy beginning 1/1/22.

1 (B) The Department of Public Safety shall consult with the Law
2 Enforcement Advisory Board to investigate the possibility of a statewide group
3 purchasing contract for law enforcement body cameras and of central storage
4 locations. If the Department recommends such a group, it shall detail its
5 recommended structure and operation.

6 (7) Military equipment. After an opportunity for community involvement
7 and feedback, the Law Enforcement Advisory Board shall recommend a
8 statewide policy on law enforcement officers' use of military equipment.

9 * * * Vermont Crime Information Center * * *

10 Sec. 11. 20 V.S.A. § 2053 is amended to read:

11 § 2053. COOPERATION WITH OTHER AGENCIES

12 (a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and
13 agencies, municipal police departments, sheriffs, and other law enforcement
14 officers in this ~~state~~ State and with federal and international law enforcement
15 agencies to develop and carry on a uniform and complete ~~state~~ State, interstate,
16 national, and international system of records of ~~criminal activities~~ commission
17 of crimes and information.

18 (b)(1) All ~~state~~ State departments and agencies, municipal police
19 departments, sheriffs, and other law enforcement officers shall cooperate with
20 and assist the ~~center~~ Center in the establishment of a complete and uniform
21 system of records relating to the commission of crimes, arrests, convictions,

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1 imprisonment, probation, parole, fingerprints, photographs, stolen property,
2 and other matters relating to the identification and records of persons who have
3 or who are alleged to have committed a crime, or who are missing persons, or
4 who are fugitives from justice.

5 (2) In order to meet the requirements of subdivision (1) of this
6 subsection, the Center shall establish and provide training on a uniform list of
7 definitions to be used in entering data into a law enforcement agency's system
8 of records, and every law enforcement officer shall use those definitions when
9 entering data into his or her agency's system.

Commented [BW16]: [2018, S.273, Sec. 13(2) would have required the LEAB to consult with VCIC and others re: how LEAs enter data, and recommend in its annual report to the Leg. how agencies can improve data entry so that crime data is entered uniformly and in a manner that meets VCIC's requirement in this current law statute to have a uniform system of crime records.]

10 ***** Law Enforcement Advisory Board *****

Commented [BW17]: [Similar to 2018, S.273, Secs. 10-13(1), except this bill would add more members to the LEAB.]

11 Sec. 12. LEAB; REPEAL FOR RECODIFICATION

12 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

13 Sec. 13. 20 V.S.A. § 1818 is added to read:

14 § 1818. LAW ENFORCEMENT ADVISORY BOARD

15 (a) The Law Enforcement Advisory Board is created within the Department
16 of Public Safety to advise the Commissioner of Public Safety, the Governor,
17 and the General Assembly on issues involving the cooperation and
18 coordination of all agencies that exercise law enforcement responsibilities.

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

21 (1) the Commissioner of Public Safety;

- 1 (2) the Director of the Vermont State Police;
- 2 (3) the Director of the Enforcement Division of the Department of Fish
- 3 and Wildlife;
- 4 (4) the Director of the Enforcement and Safety Division of the
- 5 Department of Motor Vehicles;
- 6 (5) the Chief of the Capitol Police Department;
- 7 (6) the Director of the Vermont Criminal Justice Services Division;
- 8 (7) a member of the Chiefs of Police Association of Vermont, appointed
- 9 by the President of the Association;
- 10 (8) a member of the Vermont Sheriffs' Association, appointed by the
- 11 President of the Association;
- 12 (9) a representative of the Vermont League of Cities and Towns,
- 13 appointed by the Executive Director of the League;
- 14 (10) a member of the Vermont Police Association, appointed by the
- 15 President of the Association;
- 16 (11) the Attorney General or designee;
- 17 (12) a State's Attorney appointed by the Executive Director of the
- 18 Department of State's Attorneys and Sheriffs;
- 19 (13) the U.S. Attorney or designee;
- 20 (14) the Executive Director of the Vermont Criminal Justice Training
- 21 Council;

1 (15) the Defender General or designee;

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

4 (17) a member of the Vermont Constables Association, appointed by the
5 President of the Association; and

6 (18) a law enforcement officer, appointed by the President of the
7 Vermont State Employees Association.

8 (b) The Board shall elect a chair and a vice chair, which positions shall
9 rotate among the various member representatives. Each member shall serve a
10 term of two years. The Board shall meet at the call of the Chair. A quorum
11 shall consist of 10 members, and decisions of the Board shall require the
12 approval of a 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 not 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, homeland security issues,
21 dispatching, and comprehensive drug enforcement.

1 (2) The Board shall present its findings and recommendations in brief
2 summary form to the House and Senate Committees on Judiciary and on
3 Government Operations annually on or before January 15.

4 Sec. 14. LEAB; RECODIFICATION DIRECTIVE

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

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

10 Sec. 15. LEAB; 2021 REPORT ON MUNICIPAL ACCESS TO LAW

11 ENFORCEMENT SERVICES

12 As part of its annual report in the year 2021, the Law Enforcement
13 Advisory Board shall specifically recommend ways that towns can increase
14 access to law enforcement services.

15 * * * Department of Public Safety; Dispatch * * *

16 Sec. 16. 20 V.S.A. chapter 113 (Commissioner and Members), subchapter 1 is
17 amended to read:

18 Subchapter 1. General Provisions

1 § 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER

2 (a) The ~~department of public safety~~ Department of Public Safety, created
3 by 3 V.S.A. § 212, shall include a ~~commissioner of public safety~~
4 Commissioner of Public Safety.

5 (b) The head of the ~~department~~ Department shall be a ~~commissioner of~~
6 ~~public safety~~ the Commissioner of Public Safety, who shall be a citizen of the
7 United States and shall be selected on the basis of training, experience and
8 qualifications. The ~~commissioner~~ Commissioner shall be appointed by the
9 ~~governor~~ Governor, with the advice and consent of the ~~senate~~, for a term of six
10 ~~years~~ Senate.

11 * * *

12 (i) The ~~commissioner of public safety~~ Commissioner of Public Safety may
13 enter into contractual arrangements to perform dispatching functions for ~~state~~
14 State, municipal, or other emergency services, establishing charges sufficient
15 to recover the costs of dispatching. Dispatch positions ~~which~~ that are fully
16 funded under such contracts may be authorized under the provisions of
17 32 V.S.A. § 5(b). The Commissioner shall adopt rules that set forth the rates
18 for dispatch functions performed under this subsection.

19 (j) Charges collected under subsections (e), (f), and (i) of this section shall
20 be credited to the Vermont ~~law telecommunications special fund~~ Law

Commented [BW18]: [2018, S.273, Sec. 14 would have required DPS and the E911 Board to consult with VLCT to propose a plan for a “comprehensive, efficient, and equitably funded public safety dispatch system” to dispatch law enforcement, fire, and EMS statewide.]

1 (b)(1) The ~~commissioner~~ Commissioner may charge to all users of
2 telecommunications services managed, maintained, or operated by the
3 ~~department~~ Department for the benefit of the users a proportionate share of the
4 actual cost of providing the services and products inclusive of administrative
5 costs.

6 (2) Such charges shall be based on a pro rata allocation of the actual
7 costs of services or products, determined in an equitable manner, which shall
8 be representative of services provided to or system usage by individual units of
9 government, including ~~state~~ State, local, and federal agencies or private
10 nonprofit entities.

11 (3) Such charges shall be credited to the Vermont ~~communication~~
12 ~~system special fund~~ Law Telecommunications Special Fund and shall be
13 available to the ~~department~~ Department to offset the costs of providing the
14 services.

15 Sec. 17. DEPARTMENT OF PUBLIC SAFETY; DISPATCH RULES;

16 ADOPTION AND APPLICATION

17 The Department of Public Safety shall finally adopt the rules regarding
18 dispatch rates required by 20 V.S.A. § 1871(i) set forth in Sec. 16 of this act on
19 or before July 1, 2021, unless that deadline is extended by the Legislative
20 Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c). These

1 rules shall provide a minimum of three years following final adoption before
2 the dispatch rates set forth in the rules are imposed.

3 * * * Emergency Medical Services * * *

4 Sec. 18. 24 V.S.A. chapter 71 is amended to read:

5 CHAPTER 71. AMBULANCE SERVICES

6 Subchapter 1. Emergency Medical Services Districts

7 § 2651. DEFINITIONS

8 As used in this chapter:

9 * * *

10 (14) ~~“State Board” means the State Board of Health. [Repealed.]~~

11 * * *

12 § 2652. CREATION OF DISTRICTS

13 The ~~State Board~~ Department of Health may divide the State into emergency
14 medical services districts, the number, size, and boundaries of which shall be
15 determined by the ~~Board~~ Department in the interest of affording adequate and
16 efficient emergency medical services throughout the State.

17 * * *

18 § 2654. RECORDING DETERMINATION OF DISTRICTS

19 The ~~State Board~~ Department of Health shall cause to be recorded in the
20 office of the Secretary of State a certificate containing its determination of
21 emergency medical services districts.

1

* * *

2

§ 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

3

(a) The board of directors shall have full power to manage, control, and supervise the conduct of the district and to exercise in the name of the district all powers and functions belonging to the district, subject to such laws or ~~regulations~~ rules as may be applicable.

7

* * *

8

§ 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL

9

SERVICES DISTRICTS

10

(a) It shall be the function of each emergency medical services district to foster and coordinate emergency medical services within the district, in the interest of affording adequate ambulance services within the district. Each emergency medical services district shall have powers that include the power to:

15

* * *

16

(6) monitor the provision of emergency medical services within the district and make recommendations to the ~~State Board~~ Department of Health regarding licensure, relicensure, and removal or suspension of licensure for ambulance vehicles, ambulance services, and first responder services;

20

* * *

1 (b) Two or more contiguous emergency medical services districts by a
2 majority vote of the district board in each of the districts concerned may
3 change the mutual boundaries of their emergency medical services districts.
4 The district boards shall report all changes in district boundaries to the ~~State~~
5 ~~Board~~ Department of Health.

6 * * *

7 Subchapter 2. Licensing Operation of Affiliated Agencies

8 § 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

9 (a) A person furnishing ambulance services or first responder services shall
10 obtain a license to furnish services under this subchapter.

11 (b)(1) In order to obtain and maintain a license, an ambulance service shall
12 be required to provide its services in a manner that does not discriminate on the
13 basis of income, funding source, or severity of health needs, in order to ensure
14 access to ambulance services within the licensee's service area.

15 (2) The Department of Health shall adopt rules in accordance with the
16 provisions of subdivision (1) of this subsection.

17 § 2682. ~~POWERS OF STATE BOARD~~ THE DEPARTMENT OF HEALTH

18 (a) The ~~State Board~~ Department of Health shall administer this subchapter
19 and shall have power to:

20 * * *

21 § 2683. TERM OF LICENSE

Key: ~~Strikethrough~~ = remove from bill; **Highlighting** = add to bill

1 Full licenses shall be issued on forms to be prescribed by the ~~State Board~~
2 Department of Health for a period of three years beginning on January 1, or for
3 the balance of any such three-year period. Temporary, conditional, or
4 provisional licenses may also be issued by the ~~Board~~ Department.

5 * * *

6 Sec. 19. 18 V.S.A. § 9405 is amended to read:

7 § 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE
8 ALLOCATION PLAN

9 * * *

10 (b) The Green Mountain Care Board, in consultation with the Secretary of
11 Human Services or designee, shall publish on its website the Health Resource
12 Allocation Plan identifying Vermont's critical health needs, goods, services,
13 and resources, which shall be used to inform the Board's regulatory processes,
14 cost containment and statewide quality of care efforts, health care payment and
15 delivery system reform initiatives, and any allocation of health resources
16 within the State. The Plan shall identify Vermont residents' needs for health
17 care services, programs, and facilities; the resources available and the
18 additional resources that would be required to realistically meet those needs
19 and to make access to those services, programs, and facilities affordable for
20 consumers; and the priorities for addressing those needs on a statewide basis.

21 The Board may expand the Plan to include resources, needs, and priorities

1 related to the social determinants of health. The Plan shall be revised
2 periodically, but not less frequently than once every four years.

3 (1) In developing the Plan, the Board shall:

4 (A) consider the principles in section 9371 of this title, as well as the
5 purposes enumerated in sections 9401 and 9431 of this title;

6 (B) identify priorities using information from:

7 (i) the State Health Improvement Plan;

8 (ii) emergency medical services resources and needs identified by
9 the EMS Advisory Committee in accordance with subsection 909(f) of this
10 title;

11 (iii) the community health needs assessments required by section
12 9405a of this title;

13 ~~(iii)~~(iv) available health care workforce information;

14 ~~(iv)~~(v) materials provided to the Board through its other regulatory
15 processes, including hospital budget review, oversight of accountable care
16 organizations, issuance and denial of certificates of need, and health insurance
17 rate review; and

18 ~~(v)~~(vi) the public input process set forth in this section;

19 (C) use existing data sources to identify and analyze the gaps
20 between the supply of health resources and the health needs of Vermont

1 residents and to identify utilization trends to determine areas of

2 underutilization and overutilization; and

3 (D) consider the cost impacts of fulfilling any gaps between the
4 supply of health resources and the health needs of Vermont residents.

5 * * *

6 Sec. 20. 18 V.S.A. chapter 17 is amended to read:

7 CHAPTER 17. EMERGENCY MEDICAL SERVICES

8 * * *

9 § 903. AUTHORIZATION FOR PROVISION OF EMERGENCY
10 MEDICAL SERVICES

11 Notwithstanding any other provision of law, including provisions of
12 26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and
13 licensed to provide emergency medical treatment pursuant to the requirements
14 of this chapter and the rules adopted under it are hereby authorized to provide
15 such care without further certification, registration, or licensing.

16 * * *

17 § 904. ADMINISTRATIVE PROVISIONS

18 (a) In order to carry out the purposes and responsibilities of this chapter,
19 the Department of Health may contract for the provision of specific services.

1 (b) The Secretary of Human Services, upon the recommendation of the
2 Commissioner of Health, may ~~issue~~ adopt rules to carry out the purposes and
3 responsibilities of this chapter.

4 * * *

5 § 906. EMERGENCY MEDICAL SERVICES DIVISION;

6 RESPONSIBILITIES

7 To implement the policy of section 901 of this chapter, the Department of
8 Health shall be responsible for:

9 (1) Developing and implementing minimum standards for training
10 emergency medical personnel in basic life support and advanced life support,
11 and licensing emergency medical personnel according to their level of training
12 and competence. The Department shall establish by rule at least three levels of
13 emergency medical personnel instructors and the education required for each
14 level.

15 * * *

16 (7) Assisting hospitals in the development of programs ~~which~~ that will
17 improve the quality of in-hospital services for persons requiring emergency
18 medical ~~care~~ treatment.

19 * * *

1 (9) Establishing requirements for the collection of data by emergency
2 medical personnel and hospitals as may be necessary to evaluate emergency
3 medical ~~care~~ treatment.

4 (10) Establishing, by rule, license levels for emergency medical
5 personnel. The Commissioner shall use the guidelines established by the
6 National Highway Traffic Safety Administration (NHTSA) in the U.S.
7 Department of Transportation as a standard or other comparable standards,
8 except that a felony conviction shall not necessarily disqualify an applicant.
9 The rules shall also provide that:

10 * * *

11 (B) An individual licensed by the Commissioner as an emergency
12 medical technician, advanced emergency medical technician, or ~~a~~ paramedic,
13 who is affiliated with an affiliated agency, shall be able to practice fully within
14 the scope of practice for such level of licensure as defined by NHTSA's
15 National EMS Scope of Practice Model consistent with the license level of the
16 affiliated agency, and subject to the medical direction of the emergency
17 medical services district medical advisor.

18 (C)(i) Unless otherwise provided under this section, an individual
19 seeking any level of licensure shall be required to pass an examination
20 approved by the Commissioner for that level of licensure, except that any
21 psychomotor skills testing for emergency medical responder, or emergency

1 medical technician licensure shall be accomplished either by the demonstration
2 of those skills competencies as part of the education required for that license
3 level as approved by the Department or by the National Registry of Emergency
4 Medical Technicians' psychomotor examination.

5 (ii) Written and practical examinations shall not be required for
6 relicensure; however, to maintain licensure, all individuals shall complete a
7 specified number of hours of continuing education as established by rule by the
8 Commissioner. The Commissioner shall ensure that continuing education
9 classes are available online and provided on a regional basis to accommodate
10 the needs of volunteers and part-time individuals, including those in rural areas
11 of the State.

12 * * *

13 (E) An applicant who has served as a hospital corpsman or a medic in
14 the U.S. Armed Forces, or who is licensed as a registered nurse or a physician
15 assistant shall be granted a permanent waiver of the training requirements to
16 become a licensed emergency medical technician, an advanced emergency
17 medical technician, or a paramedic, provided the applicant passes the
18 applicable examination approved by the Commissioner for that level of
19 licensure and is affiliated with an affiliated agency.

20 (F) An applicant who is registered on the National Registry of
21 Emergency Medical Technicians as an emergency medical technician, an

Key: **Strikethrough** = remove from bill; **Highlighting** = add to bill

1 advanced emergency medical technician, or a paramedic shall be granted
2 licensure as a Vermont emergency medical technician, an advanced emergency
3 medical technician, or a paramedic without the need for further testing,
4 provided he or she is affiliated with an affiliated agency or is serving as a
5 medic with the Vermont National Guard.

6 * * *

7 (11) In addition to the licenses established under subdivision (10) of this
8 section, the Department shall establish by rule an entry-level certification for
9 Vermont EMS first responders.

10 * * *

11 ~~§ 906b. TRANSITIONAL PROVISION; CERTIFICATION TO~~
12 ~~LICENSURE~~

13 ~~Every person certified as an emergency medical provider shall have his or~~
14 ~~her certification converted to the comparable level of licensure. Until such~~
15 ~~time as the Department of Health issues licenses in lieu of certificates, each~~
16 ~~certified emergency medical provider shall have the right to practice in~~
17 ~~accordance with his or her level of certification. [Repealed.]~~

18 * * *

19 § 906d. RENEWAL REQUIREMENTS; SUNSET REVIEW

20 (a) Not less than once every five years, the Department shall review
21 emergency medical personnel continuing education and other continuing

1 competency requirements. The review results shall be in writing and address

2 the following:

3 (1) the renewal requirements of the profession;

4 (2) the renewal requirements in other jurisdictions, particularly in the
5 Northeast region;

6 (3) the cost of the renewal requirements for emergency medical
7 personnel; and

8 (4) an analysis of the utility and effectiveness of the renewal
9 requirements with respect to public protection.

10 (b) The Department shall amend its rules or propose any necessary
11 statutory amendments to revise any emergency medical personnel continuing
12 education and other continuing competency requirements that are not
13 necessary for the protection of the public health, safety, or welfare.

14 * * *

15 § 909. EMS ADVISORY COMMITTEE; EMS EDUCATION COUNCIL

16 (a) The Commissioner shall establish the Emergency Medical Services
17 Advisory Committee to advise on matters relating to the delivery of emergency
18 medical services (EMS) in Vermont.

19 * * *

20 (e) Annually, on or before January 1, the Committee shall report on the
21 EMS system to the House Committees on Government Operations, on

1 Commerce and Economic Development, and on Human Services and to the
2 Senate Committees on Government Operations, on Economic Development,
3 Housing and General Affairs, and on Health and Welfare. The Committee’s
4 reports shall include information on the following:

5 * * *

6 (6) the nature and costs of dispatch services for EMS providers
7 throughout the State, including the annual number of mutual aid calls to an
8 emergency medical service area that come from outside that area, and
9 suggestions for improvement;

10 * * *

11 (f) In addition to its report set forth in subsection (e) of this section, the
12 Committee shall identify EMS resources and needs in each EMS district and
13 provide that information to the Green Mountain Care Board to inform the
14 Board’s periodic revisions to the Health Resource Allocation Plan developed
15 pursuant to subsection 9405(b) of this title.

16 (g) The Committee shall establish from among its members the EMS
17 Education Council, which may:

18 (1) sponsor training and education programs required for emergency
19 medical personnel licensure in accordance with the Department of Health’s
20 required standards for that training and education; and

* * *

Sec. 22. TRANSITIONAL EMS PROVISIONS

(a) Rules. Except as otherwise provided in this act, on or before July 1, 2021, the Department of Health shall finally adopt or amend the rules required by this act, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

(b) Ambulance service licenses. The requirements for initial ambulance service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 18 of this act shall apply to initial ambulance service license and renewal applicants on and after July 1, 2021 or on and after the effective date of the Department of Health rules adopted pursuant to that section and subsection (a) of this section, whichever date is later.

(c) Existing EMS Instructor/Coordinator licensees. Any person who is licensed as an EMS Instructor/Coordinator under the Department of Health's Emergency Medical Service Rules in effect immediately prior to the effective date of the rules establishing the new levels of instructor licenses as required by 18 V.S.A. § 906(1) in Sec. 20 of this act shall be deemed to be licensed at the level that is consistent with the scope of practice of the new license levels.

(d) Development of Vermont EMS First Responder certification. The Department of Health shall consult with the EMS Advisory Committee, the University of Vermont's Initiative for Rural Emergency Medical Services, and

1 any other relevant stakeholders in developing the new Vermont EMS First
2 Responder certification required by 18 V.S.A. § 906(11) in Sec. 20 of this act
3 so that certification is established on or before July 1, 2021.

4 (e) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 906d
5 (renewal requirements; sunset review) set forth in Sec. 20 this act, the
6 Department of Health shall conduct its first sunset review in conjunction with
7 its rulemaking required by this act and thereafter propose any necessary
8 statutory amendments in accordance with that section.

9 * * * Public Safety Planning * * *

10 Sec. 23. 20 V.S.A. § 6 is amended to read:

11 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT;

12 TOWN AND CITY PUBLIC SAFETY PLANS

13 (a) Each town and city of this ~~state~~ State is hereby authorized and directed
14 to establish a local organization for emergency management in accordance
15 with the ~~state emergency management plan~~ State Emergency Management
16 Plan and program.

17 (1)(A) Except in a town that has a town manager in accordance with
18 ~~chapter 37 of Title 24 V.S.A. chapter 37~~, the executive officer or legislative
19 branch of the town or city is authorized to appoint a town or city emergency
20 management director who shall have direct responsibility for the organization,
21 administration, and coordination of the local organization for emergency

1 management, subject to the direction and control of the executive officer or
2 legislative branch.

3 (B) If the town or city that has not adopted the town manager form of
4 government and the executive officer or legislative branch of the town or city
5 has not appointed an emergency management director, the executive officer or
6 legislative branch shall be the town or city emergency management director.

7 (2) The town or city emergency management director may appoint an
8 emergency management coordinator and other staff as necessary to accomplish
9 the purposes of this chapter.

10 (b) Except as provided in subsection (d) of this section, each local
11 organization for emergency management shall perform emergency
12 management functions within the territorial limits of the town or city within
13 which it is organized, and, in addition, shall conduct such functions outside of
14 the territorial limits as may be required pursuant to the provisions of this
15 chapter and in ~~accord~~ accordance with such regulations as the ~~governor~~
16 Governor may prescribe.

17 (c) Each local organization shall participate in the development of an all-
18 hazards plan with the local emergency planning committee and the public
19 safety district.

20 (d)(1) Each local organization shall annually notify the local emergency
21 planning committee on forms provided by the ~~state emergency response~~

1 ~~commission~~ State Emergency Response Commission of its capacity to perform
2 emergency functions in response to an all-hazards incident.

3 (2) Each local organization shall perform the emergency functions
4 indicated on the most recently submitted form in response to an all-hazards
5 incident.

6 (e) Each town and city legislative body shall adopt a public safety plan in
7 accordance with this subsection that describes how the town or city will
8 address the regular law enforcement, fire, emergency medical service, and
9 dispatch resources, needs, scarcities, costs, and problems within the
10 municipality unrelated to an all-hazards incident, which may include
11 partnering with one or more other municipalities or entities to address those
12 issues.

13 (1) Concurrently with its annual notification required under subsection
14 (d) of this section, each local organization shall analyze the law enforcement,
15 fire, emergency medical service, and dispatch resources, needs, scarcities,
16 costs, and problems within the municipality and report that information to its
17 legislative body.

18 (2) After receipt of that information, the legislative body:

19 (A) shall solicit and accept public comment on the current public
20 safety plan;

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1

2

3 (Committee vote: _____)

4

5

Representative _____

6

FOR THE COMMITTEE