

1 H.444

2 Introduced by Representatives Noyes of Wolcott, Hill of Wolcott, and

3 Kitzmiller of Montpelier

4 Referred to Committee on

5 Date:

6 Subject: Public safety; law enforcement officers; Agency of Natural

7 Resources; environmental enforcement officers

8 Statement of purpose of bill as introduced: This bill proposes to provide law  
9 enforcement authority to Agency of Natural Resources environmental  
10 enforcement officers who are certified by the Vermont Criminal Justice  
11 Training Council as Level II or Level III law enforcement officers.

12 An act relating to providing law enforcement authority to environmental  
13 enforcement officers

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

15 Sec. 1. 10 V.S.A. § 906 is amended to read:

16 § 906. ~~INVESTIGATORS~~ ENVIRONMENTAL ENFORCEMENT

17 OFFICERS

18 (a) ~~Investigators~~ Environmental enforcement officers employed by the  
19 ~~department of environmental conservation when designated in writing by the~~  
20 ~~commissioner of environmental conservation~~ Agency of Natural Resources

1 shall enforce the applicable provisions of chapters 37, 39, 41, 43, 47 and 49  
2 and subchapter 3 of chapter 48 of this title; Title 29, chapter 11; sections 1215  
3 and 1217 of Title 18; section 2201 of Title 24 and sections 4411 and 4444 of  
4 Title 24 insofar as those chapters and sections contain enforceable provisions  
5 and may summons or arrest violators thereof set forth in section 8003 of this  
6 title. In those matters, they may serve criminal process and subpoenas, and  
7 they may serve civil process and administrative process as provided in chapter  
8 201 of this title, including subpoenas, summonses, and access orders. They  
9 shall have the same powers as other informing officers to make and subscribe  
10 to complaints for violation thereof.

11 (b)(1) Upon certification as a Level II or Level III law enforcement officer  
12 by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A.  
13 chapter 151, an environmental enforcement officer shall have the same powers  
14 as sheriffs in criminal matters and the enforcement of the law and shall have all  
15 the immunities and defenses available to sheriffs in a suit brought against them  
16 in consequence of acts done in the course of employment.

17 (2) An environmental enforcement officer shall receive his or her  
18 regular compensation during the time he or she is enrolled in a certification  
19 training program.

20 (c) The Secretary of Natural Resources shall develop and implement  
21 policies and standard operating procedures governing the manner in which

1 environmental enforcement officers may exercise law enforcement authority.  
2 These policies and procedures shall include provisions regarding the carrying  
3 and use of firearms, sirens, and colored lamps and shall be in accordance with  
4 the training and certification requirements for law enforcement officers set  
5 forth in 20 V.S.A. chapter 151.

6 Sec. 2. 20 V.S.A. § 2358 is amended to read:

7 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

8 (a) Unless waived by the Council under standards adopted by rule, and  
9 notwithstanding any statute or charter to the contrary, ~~no~~ a person shall not  
10 exercise law enforcement authority as a law enforcement officer without  
11 completing a basic training course and annual in-service training within a time  
12 and manner prescribed by the Council by rule.

13 \* \* \*

14 (d) As used in 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; a Board of Medical Practice  
21 ~~investigators~~ investigator employed by the Department of Health, Attorney

1 General, or a State's Attorney; a fish and game warden; an environmental  
2 enforcement officer; a sheriff, ~~or~~; a deputy sheriff who exercises law  
3 enforcement powers; a railroad police officer commissioned pursuant to  
4 5 V.S.A. chapter 68, subchapter 8; or a police officer appointed to the  
5 University of Vermont's Department of Police Services.

6 \* \* \*

7 Sec. 3. 13 V.S.A. § 3002 is amended to read:

8 § 3002. IMPERSONATION OF OFFICER

9 A person who impersonates or attempts to impersonate a sheriff, deputy  
10 sheriff, constable, police officer, fish and game warden, environmental  
11 enforcement officer, or any other ~~state~~ State, county, or town officer shall:

12 (1) for the first offense, be imprisoned not more than six months or fined  
13 not more than \$500.00, or both;

14 (2) for the second offense and subsequent offenses, be imprisoned not  
15 more than two years or fined not more than \$1,000.00, or both.

16 Sec. 4. EFFECTIVE DATE

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