

1
2
3
4
5
6
7
8
9
10
11
12

13
14
15

16
17
18
19
20

H.503

Introduced by Representatives Grad of Moretown, Atkins of Winooski,
Donaghy of Poultney, Fagan of Rutland City, French of
Shrewsbury, Hebert of Vernon, Koch of Barre Town, Lewis of
Derby, Marek of Newfane, Martin of Springfield,
Waite-Simpson of Essex and Wizowaty of Burlington

Referred to Committee on

Date:

Subject: Legislature; sergeant at arms; traffic control officer; capitol police

Statement of purpose: This bill proposes to 1) eliminate the ability of the
sergeant at arms to employ a traffic control officer; and 2) require capitol
police officers to be certified by the Vermont criminal justice training council.

An act relating to eliminating the ability of the sergeant at arms to employ a
traffic control officer and requiring the certification of capitol police
officers

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

Sec. 1. 2 V.S.A. § 64 is amended to read:

§ 64. EMPLOYMENT OF ASSISTANTS; ~~TRAFFIC CONTROL~~; CAPITOL
POLICE; TRAINING; UNIFORMS AND EQUIPMENT

* * *

1 (c) ~~The sergeant at arms may employ a traffic control officer whose duties~~
2 ~~shall include, but not be limited to, overseeing necessary security measures and~~
3 ~~the control of traffic about the capitol building. The traffic control officer shall~~
4 ~~be an exempt state employee. The sergeant at arms with the approval of the~~
5 ~~joint rules committee shall fix the terms and compensation of the traffic control~~
6 ~~officer, who shall be entitled to receive the same annual salary adjustments~~
7 ~~available to classified employees in comparable salary ranges. At state~~
8 ~~expense and with the approval of the sergeant at arms, the traffic control~~
9 ~~officer and capitol police officers shall be provided with training, and~~
10 ~~furnished uniforms and equipment necessary in the performance of their duties,~~
11 ~~and such items shall remain the property of the state.~~

12 Sec. 2. 2 V.S.A. § 70 is amended to read:

13 § 70. CAPITOL POLICE DEPARTMENT

14 (a) Creation. A capitol police department is created within the office of the
15 sergeant at arms. The sergeant at arms shall appoint and may remove, at his or
16 her pleasure, individuals as capitol police officers, one of whom shall be
17 appointed to serve as chief. All such positions shall be exempt state
18 employees. ~~The traffic control officer and any other employee of the sergeant~~
19 ~~at arms may, in addition to other positions and duties, be appointed as a capitol~~
20 ~~police officer. The chief shall supervise the officer force under the direction of~~
21 ~~the sergeant at arms. Such appointments and all oaths or affirmations shall be~~

1 in writing and filed with the sergeant at arms. An officer shall also serve as a
2 deputy sergeant at arms and as a notary public pursuant to 24 V.S.A. § 442.

3 (b) Powers; training.

4 (1) Capitol police officers shall have all the same powers and authority
5 as sheriffs and other law enforcement officers anywhere in the state, which
6 shall include the authority to arrest persons and enforce the civil and criminal
7 laws, keep the peace, provide security, and to serve civil and criminal process.
8 For this purpose, capitol police officers shall subscribe to the same oaths
9 required for sheriffs.

10 ~~(2) Capitol police officers who are not certified in either the full-time or~~
11 ~~part-time certification program of the Vermont criminal justice training council~~
12 ~~(VCJTC) shall meet qualification and certification standards prescribed by the~~
13 ~~sergeant at arms in consultation with the executive director of the VCJTC. In~~
14 ~~setting the standards, the sergeant at arms shall consider the part-time~~
15 ~~certification program provided to other law enforcement officers by the~~
16 ~~VCJTC.~~

17 ~~(3) As an alternative, in the sole discretion of the sergeant at arms,~~
18 ~~capitol police officers shall be certified pursuant to the part-time certification~~
19 ~~program of the VCJTC.~~

20 ~~(4) The VCJTC shall make training available to capitol police officers at~~
21 ~~no expense to the sergeant at arms, and the VCJTC shall certify those officers~~

1 ~~as capitol police officers if they meet the certification standards set by the~~
2 ~~sergeant at arms, or as a regular law enforcement officer if the requirements of~~
3 ~~the part time certification program are met, regardless of the number of hours~~
4 ~~or weeks worked by the capitol police officer.~~

5 (5) Notwithstanding any other provision of law to the contrary, a capitol
6 police officer shall be a law enforcement officer ~~as if~~ certified by the Vermont
7 criminal justice training council pursuant to the provisions of 20 V.S.A.
8 chapter 151 ~~of Title 20~~.

9 (c) Coordination of capitol complex security: The capitol police
10 department shall coordinate security within the state house and assist the
11 commissioner of buildings and general services in providing security and law
12 enforcement services within the capitol complex, as delineated in a
13 memorandum of understanding signed by the commissioner and the sergeant at
14 arms no later than June 30, 2000, and as subsequently amended. In all other
15 areas of the capitol complex, except the space occupied by the supreme court,
16 the security, control of traffic, and coordination of law enforcement activity
17 shall be under the direction of the commissioner of buildings and general
18 services, with which the capitol police department may assist.

1 Sec. 3. 20 V.S.A. § 2351 is amended to read:

2 § 2351. PURPOSE; DEFINITION

3 In order to promote and protect the health, safety, and welfare of the public,
4 it is in the public interest to provide for the creation of “the Vermont criminal
5 justice training council.” The council is created to encourage and assist
6 municipalities, counties, and governmental agencies of this state in their efforts
7 to improve the quality of law enforcement and citizen protection by
8 maintaining a uniform standard of recruit and in-service training for law
9 enforcement officers, including members of the department of public safety,
10 capitol police officers, municipal police officers, constables, ~~corrections~~
11 correctional officers, prosecuting personnel, motor vehicle inspectors, state
12 investigators employed on a full-time basis by the attorney general, fish and
13 game wardens, sheriffs and their deputies who exercise law enforcement
14 powers pursuant to the provisions of ~~sections 311 and 307(a) of Title~~
15 24 V.S.A. §§ 307 and 311, and railroad police commissioned pursuant to
16 ~~30 V.S.A. chapter 45, subchapter 8~~ 5 V.S.A. chapter 68, subchapter 8. The
17 council shall offer continuing programs of instruction in up-to-date methods of
18 law enforcement and the administration of criminal justice. It is the
19 responsibility of the council to encourage the participation of local
20 governmental units in the program and to aid in the establishment of adequate
21 training facilities.

1 Sec. 4. 20 V.S.A. § 2358 is amended to read:

2 § 2358. MINIMUM TRAINING STANDARDS

3 (a) Unless waived by the council under standards adopted by rule, and
4 notwithstanding any statute or charter to the contrary, no person shall exercise
5 law enforcement authority:

6 (1) as a part-time law enforcement officer without completing a basic
7 training course within a time prescribed by rule of the council; or

8 (2) as a full-time law enforcement officer without either:

9 (A) completing a basic training course in the time and manner
10 prescribed by the council; or

11 (B) having received, before July 1, 1968, permanent full-time
12 appointment as a law enforcement officer, and completing a basic training
13 course before July 1, 1982.

14 (3) as a full or part-time law enforcement officer without completing
15 annual in-service training requirements as prescribed by the council.

16 (b) All programs required by this section shall be approved by the council.
17 Completion of a program shall be established by a certificate to that effect
18 signed by the executive director of the council.

19 (c) For the purposes of 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, or a railroad police officer commissioned
8 pursuant to ~~30 V.S.A. chapter 45, subchapter 8~~ 5 V.S.A. chapter 68,
9 subchapter 8.

10 (2) "Full-time law enforcement officer" means a law enforcement
11 officer with duties of a predictable and continuing nature which require more
12 than 32 hours per week and more than 25 weeks per year.

13 (3) "Part-time law enforcement officer" means a law enforcement
14 officer who is not employed full time.

15 (d) The council may determine whether a particular position is full-time or
16 part-time. Any requirements in this section shall be optional for any elected
17 official.

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on July 1, 2012.