

Advocacy Updates: Public Safety and Transportation

VLCT has identified public safety and transportation as a key topic to follow during the 2024 legislative session. Check back for the latest updates on this issue. Or, view our [Weekly Legislative Reports](#) page to see everything we're following.

The June 10, 2024 entry below is a portion of our complete [2024 Legislative Wrap-Up](#).

[Portion of 2024 Legislative Wrap-Up Related to This Topic – June 10, 2024](#)

H.868 – FY25 Transportation Bill

Amends 19 V.S.A. chapter 29 §? 10, §? 13(c), §? 306(a), §? 1112, §? 2905, §? 2402, §? 2403, §? 2902, and §? 2904(d)(2)(B). Adds 19 V.S.A. chapter 29 §? 10n, §? 319, and § 2904a; 23 V.S.A. §? 361 and §? 1025; and 5 V.S.A. §? 3405.

Effective Date for Municipal section is July 1, 2024.

The annual Transportation Bill, signed into law by the governor on June 3, 2024, sets the policy and budget for transportation programs funded with state and federal funds. It also funds one-time programs and makes miscellaneous changes to transportation laws. Of greatest concern to municipalities is the annual Town Highway Aid Program funding.

Provisions of interest to municipalities include:

- Municipalities can expect an average increase of seven percent (7%) over last year's Town Highway Aid funding. (This is the record high of \$102 million for the Town Highway Aid Program.)
- Town Highway Structures and Town Highway Bridges programs saw the greatest increase.
- Includes "Complete Streets" and municipal traffic calming design upgrades.
- 60 new state Park and Ride spaces funded (50 in Manchester and 10 in Sharon).
- New bike and pedestrian projects funded in 39 communities.

- 28 Transportation Alternative construction projects and 28 Transportation Alternative Design projects funded in 46 communities.
- Continued funding of Electric Vehicle Supply Equipment (EV charging stations) and incentives for new EV purchases.
- One-time funding to support a Green Mountain Transit budget shortfall.
- Codifies the Better Connections Grant Program, which provides planning grants to aid municipalities in coordinating land use decisions and transportation investments that build community resilience and provide safe multimodal transportation systems, thereby supporting downtown and village revitalization efforts.
- Commissions another study to recommend how to fund Vermont's public transportation system and transportation infrastructure in general, considering climate change and less use of fossil fuels.
- Establishes a new registration fee for electric vehicles to support electric vehicle infrastructure, i.e., charging stations.

H.872 – Establishing a Law Enforcement Officers' Code of Conduct

Amends 20 V.S.A. §2355, 20 V.S.A. §2371, 20 V.S.A. §2401, 20 V.S.A. §2407.

Effective on passage, except for enactment of the code of conduct, changes to sanctions for violating the code of conduct, and repeal of existing Category B conduct definitions that will be replaced with the Code of Conduct, which are effective January 1, 2025.

The legislature codified some of the recommendations of the 2023 Vermont [Criminal Justice Council Authority Report](#), most notably directing the Criminal Justice Council to adopt a Law Enforcement Officers' Code of Conduct. The new code will include holding officers accountable for some off-duty unprofessional conduct. The governor signed H.872 on May 29, 2024.

H.534 – Retail Theft

Amends 13 V.S.A. § 2575, §2577.

Effective on July 1, 2024.

H.534, a compromise bill to increase the penalties for repeated retail theft, was passed on the final day of the session and was signed by the governor on May 30, 2024. H.534 increases the penalties for retail theft over \$250.

- First offense: a fine of not more than \$500 or imprisonment for not more than six months, or both.
- Second offense: a fine of not more than \$1,000 or imprisonment for not more than two years, if the second offense occurs not more than two years after the first offense.
- Third offense: a fine of not more than \$1,500 or imprisonment for not more than three years, or both, if the third offense occurs not more than two years after the second offense.
- Fourth or subsequent offense: a fine of not more than \$2,500 or imprisonment for not more than 10 years, or both, if the fourth offense occurs not more than two years after the immediately preceding offense.

All fines and sentencing are subject to judicial discretion.

H.563 – Attempted Auto Theft

Amends 13 V.S.A. §3705, 23 V.S.A. §1094.

Effective July 1, 2024.

Vehicle thefts and break-ins erode public safety and quality of life and often support other crimes. The changes in [H.563](#), signed by the governor on May 30, 2024, will assist in prosecuting such disturbances, as Vermont notably did not have laws covering such activity.?

Changes enacted in H.563

Vehicle Trespass: If someone goes into another person's car without permission and knows they're not allowed to, they can be jailed for up to three months, fined up to \$500, or both.

- For a repeat offense they could face up to a year in jail, the same fine, or both.
- One does not need to be warned not to trespass for this to apply, as is currently the challenge with existing Vermont law.?

Operating a Vehicle Without Owner's Consent:

- If someone takes, operates, or uses someone else's car without permission and should have known they didn't have the owner's consent, they could be fined up to \$500.
- If they knowingly do it without permission and knew they didn't have consent, they could be jailed for up to two years or fined up to \$1,000, or both.

S.195 – Considering a Defendant's Criminal Record in Imposing Conditions

Amends 13 V.S.A. §§7030, §7551, §7554, §7555 and §7559a added, §7559, 18 V.S.A. §4253. Repeals 13 V.S.A §7555 on December 31, 2030.

Effective on Passage.

S.195, signed by the governor on May 30, 2024, allows the number of offenses with which a defendant is charged and the recent history of pending charges against a defendant to be explicit factors a court considers in imposing conditions of release. This is accomplished through:

- Lifting the \$200 cap on cash bail for individuals with multiple offenses who have been released on personal recognizance or conditions of release pending trial for another offense.
- Creates new pretrial supervision and monitoring programs for individuals with multiple offenses or violations of conditions of release. (Adequate funding for the program is in question as the budget provides \$661,000 and the estimate from the Department of Corrections was \$890,000.)

- Increases use and support for the Home Detention Program as an alternative to incarceration and to reduce the number of detainees at Vermont correctional facilities by accommodating defendants who would otherwise be incarcerated or pose a significant risk to public safety.

S.196 – Types of Evidence Permitted in Weight of the Evidence Hearings

Amends 13 V.S.A § 7553a.

Effective July 1, 2024.

S.196, a one-page bill signed by the governor on May 23, 2024, increases the evidence allowed to be considered for violent crimes and denial of bail for a person charged with a felony.

H.645 – Expansion of Approaches to Restorative Justice

Amends 3 V.S.A Chapter 7, 7 V.S.A. § 656, and 18 V.S.A. § 4230b.

Effective July 1, 2024 except Sec 1 and 8.

The pre-trial diversion bill would create a pre- and post-charge diversion for certain eligible first-time and low-level offenses. It also proposes to create a post-adjudication reparative program governed by memoranda of understanding that is required to outline eligible offenses, a process to supplement eligible offenses, evidence-based screening procedures, and confidentiality provisions.

The governor vetoed this bill, citing that he understands the desire to help those, particularly youth, who need second, third, and even fourth chances to get their lives back on track, but H.645 is not workable because the bill expands the responsibilities of the Office of the Attorney General, which will require additional resources that were not funded. The Attorney

General is hoping for a veto override, expressing that her office is prepared to do this work. Advocates for restorative justice programs point to the programs' ability to lessen the courts' caseload by diverting low-level cases instantly to those programs.?

H.72 – Safe Injection Site in Burlington

*Amends 18 V.S.A. § 4256, § 4475(a)(2), § 4478, adds § 9435(g), redesignates § 4254.
Effective on passage.*

After years of discussion and debate, the legislature passed a bill that would create a pathway toward a safe injection facility in Burlington where individuals can consume pre-obtained illegal drugs and also have access to harm-reduction supplies, drug-checking services, addiction treatment, medical services, and overdose reversal medications.

The governor vetoed H.72 on May 30, 2024. The legislative leadership is committed to try to override Governor Scott's veto on June 17, 2024. H.72 will grant \$1.1 million in fiscal year 2025 Opioid Settlement funds to the City of Burlington for establishing an overdose prevention center upon submission of a grant proposal approved by the Burlington City Council.

S.58 – Raise the Age and Sale of Drugs with Death Resulting

*Amends 33 V.S.A. § 5201, § 5203, § 5204, § 5201(d), § 5103(c), § 5206, 18 V.S.A. § 4201, § 4233a, § 4234, § 4233b, § 4250, § 4252a added, § 4254(j) added.
Effective July 1, 2024, except sections 7-11 take effect on April 1, 2025.*

The governor signed this controversial piece of legislation on May 29, 2024.

Reducing the age to be criminally charged as an adult and discussing punishment for selling drugs resulting in death, led to many uncomfortable debates for some legislators.

S.58 will:??

- Add increased penalties for dispensing Fentanyl and Xylazine.?
- Create a two-year minimum prison term for selling or dispensing a drug with death resulting.?
- Add crimes committed with a firearm to the list of “big 12 crimes” for which a juvenile can be tried as an adult.?
- Push back some implementation of Vermont’s “raise the age” legislation, which Governor Scott requested in his first address to the legislature this session, calling his past support a mistake.?

H.622 – EMS Equity

Amends 18 V.S.A. § 901, § 908, § 909, 24 V.S.A § 2689, 32 V.S.A § 8557.

Effective on passage, except Section 8 and 9 take effect on July 1, 2024.

H.622, signed by the governor on June 4, 2024, provides supports for a more comprehensive and effective emergency medical services system. The bill strives to provide better access to grants and reimbursement for medical services to providers that offer basic emergency medical services training at low or no cost to participants and supports geographic equity among the emergency medical services districts. The bill also increases funding to the Vermont Fire Service Training Council and EMS Advisory Committee.

The bill provides new funding for reimbursement of emergency medical service providers for Medicaid beneficiaries not transported during an emergency. The bill also calls for the EMS Advisory Committee to collect the data necessary to conduct a complete inventory and assessment of the EMS services currently available in Vermont and to provide recommendations for the design of a statewide EMS system.

S.189 – Mental Health Response Service Guidelines

Adds 18 V.S.A. § 7269, adds 33 V.S.A. § 6309.

Effective July 1, 2024.

S.189 was signed by the governor on May 23, 2024. The provision of most interest to municipalities directs the Department of Mental Health to develop guidelines and recommended best practices for use by municipalities (including emergency medical technicians, public safety personnel, and firefighters who are employed, volunteer, or are under contract) for de-escalation and mental health response services, including crisis response services.

In developing the guidelines, the Department shall consult with the: Department of Health; Department of Disabilities, Aging, and Independent Living; Department of Public Safety; Vermont Care Partners; Vermont Psychiatric Survivors; Vermont chapter of the National Alliance on Mental Illness; Vermont Criminal Justice Council; **Vermont League of Cities and Towns**; Disability Rights Vermont; Department of Mental Health's State Program Standing Committees; and any other stakeholders the Department of Mental Health deems appropriate.

H.585 – Amending the Pension System for Sheriffs and Certain Deputy Sheriffs

Amends 3 V.S.A § 455, § 459, § 489, 32 V.S.A § 1182.

Effective July 1, 2024.

The governor signed H.585 on May 30, 2024. The bill, which adjusts state pension plans for county sheriffs and deputy sheriffs, was supported by county sheriffs to help address recruitment and retention concerns.

A notable change is a 30 percent (30%) cut in salary for any sheriff who is not a certified law enforcement officer. The bill also calls for a report on the current funding sources and procedures for compensating State's Attorneys as well as maintaining State's Attorneys' offices' operations, including existing or needed procedures for reducing compensation for State's Attorneys who have their attorney license suspended or terminated. Both provisions

are aimed at controversies in Franklin and Addison counties, respectively.

H.55 – Miscellaneous Unemployment Insurance Amendments

This bill did not make it across the finish line despite several popular provisions. It's unclear if the Senate will take this bill back up when they convene for a veto session on June 17, 2024.

The bill would affect:?

- Firefighter Cancer Screening Grants: The bill would require the Vermont Division of Fire Safety to subsidize the cost of providing cancer screening to all Vermont professional and volunteer firefighters, as well as all enrollees in the Vermont Fire Academy Firefighter I program. Funding was contingent upon final appropriations.
- Unemployment Insurance (UI) Amendments: The bill would extend the period for which individuals can collect UI benefits without affecting employers' contributions, allow the Department of Labor to waive overpayments, and impose penalties for false statements related to UI benefits. These changes were expected to have minimal fiscal impacts.
- Unpaid Leave: The bill would amend the current statute to replace the term illness with a medical condition such as rehabilitation from an accident, illness, injury, disease, or physical or mental condition including treatment for substance use disorder.
- Workers' Compensation for PTSD: The bill would shift the burden of proof for PTSD claims onto the State for certain State employees, potentially increasing annual workers' compensation insurance costs.
- Vermont Baby Bond Pilot Program: The bill would establish a trust for designated beneficiaries born after July 1, 2024, with an initial deposit of \$3,200 per individual. The program aims to provide financial support for education, housing, business investment, or retirement for children from low-income households.

[Bills to Watch as the Biennium Draws to a Close – May 10, 2024](#)

Please see the relevant bills listed in [this May 10, 2024 summary](#).

[Senate-Passed Transport'n Bill has Town Hwy Aid and Traffic Calming, Study Ordered for Firearm Prohibition – Apr 26, 2024](#)

Senate Amends and Passes H.868, the FY25 Transportation Program and Budget

The annual Transportation Bill, H.868, cleared the full Senate with several changes of interest to municipalities. As reported in our March 15 update, this year's Transportation Budget included an increase to the Town Highway Aid Program. The Senate also approved two new amendments. The first, recorded on [page 818 and 828 of the 4/23 Senate Journal](#), would allow municipalities to implement traffic calming and slowing measures when involved in complete streets projects. The second amendment, recorded on [page 830](#), would add a new registration surcharge of \$89 for fully electric vehicles and \$44.50 for plug-in hybrid electric vehicles. This new surcharge is the start of an effort to capture some of the transportation revenue lost because electric vehicles do not pay gas tax. However, this particular new revenue will not go into the general transportation fund: it is dedicated to supporting new electrical vehicle charging stations.

Amendment to Allow Municipalities to Prohibit Firearms in Municipal Buildings Fails, but Report Language Emerges

As reported here last week, Representative James Harrison from the town of Chittenden proposed amending [S.209](#), known as "the ghost gun bill", to include a provision that would allow municipalities to adopt an ordinance prohibiting the possession of firearms within a municipal building. His amendment failed. However, [House Judiciary Committee](#) Chair Martin LaLonde proposed a new amendment, recorded on [page 3821 of the 4/24 House Calendar](#), which is likely to pass, for a "Report on Firearms in Municipal Buildings" to be issued by the Office of the Secretary of State, VLCT, and the Municipal Clerks and Treasurers Association.

This report, due on or before January 15, 2025, shall include recommendations on

(1) whether the preferable approach is:

(A) for the General Assembly to pass a statute prohibiting firearms in municipal buildings statewide, or

(B) for municipalities to be provided with the authority to decide whether to pass an ordinance prohibiting firearms in municipal buildings;

(2) whether a statewide prohibition should include a definition of the term “municipal building,” and if so, what that definition should be; and

(3) which municipal buildings should be covered and which should not be covered by a prohibition on possessing firearms in municipal buildings.

[Several Commonsense Public Safety Bills; Possibility of Prohibiting Firearms from Municipal Buildings — Apr 19, 2024](#)

Public Safety Bills Update

We continue to follow several commonsense public safety bills and remain optimistic they will make it to the finish line.

- H.534, a bill aimed at reducing retail theft by increasing the penalties for repeated thefts, was recommended favorably for a second reading on the Senate Floor. The latest version of [H.534](#) can be found on page 2571 of the April 19, Senate Calendar.
- H.563, a bill that establishes penalties for attempted auto theft, passed the full House in February and passed the full Senate with amendment on April 16. The full House will now consider the Senate-amended version of [H.563](#), found on page 3749 of the House Calendar.
- The House Judiciary Committee is considering two bills passed by the Senate: [S.196](#), a bill that would permit evidence to be considered in bail hearings, and [S.195](#), a bill that would add the number of offenses a defendant is charged with and the recent history of pending charges against a defendant as factors a court considers in imposing conditions of release.
- The Senate Health and Welfare Committee amended H.72, a bill that authorizes Safe Injection or Overdose Prevention sites. The amended version of [H.72](#), found in on page 2565 of the Senate Calendar, grants \$1.1 million in fiscal year 2025 Opioid Settlement funds to the City of Burlington for establishing an overdose prevention center upon submission of a grant proposal that has been approved by the Burlington City Council. The original bill contained a provision that gave municipalities that ability to “opt-in” to

hosting one of the two pilot sites funded with \$2M Opioid Settlements funds.

[Amendment Proposed to S.209 Would Authorize Municipalities to Prohibit Firearms in Municipal Buildings](#)

Representative James Harrison from Chittenden has proposed amending [S.209](#) a bill known as “the ghost gun bill” to include a provision that would allow municipalities to adopt an ordinance prohibiting the possession of firearms within a municipal building. The [proposed amendment to Section 7 of 24 VSA § 2291](#) reads: “Notwithstanding subdivision (A) of this subdivision, the legislative body of a municipality may adopt an ordinance that prohibits the possession of a firearm within a municipal building or portion of a municipal building. The ordinance may exempt law enforcement officers, security personnel, or similar officers from the prohibition on firearm possession within a municipal building.” [The House Committee on Judiciary](#) has scheduled testimony on Rep Harrison’s amendment.

[More Town Highway Aid Advances in Key House Committees; Public Safety Bills Gain Momentum – Mar 15, 2024](#)

[House Transportation Budget Increases Town Highway Aid](#)

As mentioned in the Transportation section of [What Governor Scott’s Proposed Budget Means for Municipalities](#), funding for the Town Highway program was up 6%, exceeding Governor Scott’s baseline budget growth of 3.6% for fiscal year 2025 (FY25). It was a small increase, but it reached a new milestone of over \$100M in town highway aid.

The House Transportation Committee advanced [H.868](#) (the FY25 Transportation Budget) on a vote of 11 to 0, and the House Appropriations Committee approved H.868 on March 14 by a unanimous vote of all present committee members. The [House Transportation Committee budget](#) increased the Town Highway Structures program by \$1M and the general Town Highway Aid program by \$860,000, bringing total town highway aid to \$102.5M, the largest budget in history. The largest increases over the FY24 budget are a 21.9% increase in the Town Highway Bridge program, bringing its total to \$45.3M, and a 13.5% increase in the Town Highway Structures program, bringing its total to \$8.4M. The full House should vote on H.868 next week. Be sure to thank your representative on the [House Transportation](#) and

[House Appropriations](#) Committees.

Progress on Public Safety Bills

Several commonsense bills focused on public safety are gaining momentum as crossover — the deadline for bills to pass out of committee of jurisdiction — approaches.

- [H.534](#), a bill aimed at [reducing retail theft](#), passed the full house on March 14 and will now be considered in the Senate Judiciary Committee.
- [H.563](#), a bill that establishes penalties for attempted auto theft, passed the full House in February and is also being considered in the Senate Judiciary Committee.
- [S.196](#), a bill that would permit evidence to be considered in bail hearings, is noticed for a final vote in the Senate. This bill aims to better account for threats of physical violence in bail hearings.
- We continue to watch and hope that [S.195](#), a bill that would consider recent pending charges against a defendant in imposing conditions of release, advances or is included one of the public safety bills already advancing.

In addition, we continue to keep an eye on [H.72](#), a bill that authorizes safe injection or overdose prevention sites. Currently the bill contains a provision that gives municipalities the ability to “opt-in” to hosting one of the two pilot sites funded with \$2M that has been set aside for the establishment, management, and staffing of these new facilities. Some senators are reportedly in support of removing the opt-in provision for municipalities. **Please let [your senators](#) know that municipalities want a say in the location and siting of safe injection or overdose prevention facilities.**

[Legislative Preview 12/15/23](#)

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