

1 H.16

2 Introduced by Representatives Obuchowski of Rockingham and Partridge of

3 Windham

4 Referred to Committee on

5 Date:

6 Subject: Crimes; disturbing peace by use of telephone or other electronic

7 communications; Internet website postings

8 Statement of purpose: This bill proposes to permit a person to be charged with

9 a violation of Vermont's disturbing the peace statute if the person, with the

10 intent to terrify, intimidate, threaten, harass, or annoy another person,

11 knowingly and intentionally uses false and defamatory Internet website

12 postings to disturb the other person's peace, quiet, or right of privacy.

13 An act relating to harassment and disturbing the peace through false and
14 defamatory Internet website postings

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

16 Sec. 1. 13 V.S.A. § 1027 is amended to read:

17 § 1027. DISTURBING PEACE BY USE OF TELEPHONE OR OTHER

18 ELECTRONIC COMMUNICATIONS

19 (a) A person who, with intent to terrify, intimidate, threaten, harass, or

20 annoy, makes contact by means of a telephonic or other electronic

1 communication with another and (i) makes any request, suggestion, or
2 proposal which is obscene, lewd, lascivious, or indecent; (ii) threatens to inflict
3 injury or physical harm to the person or property of any person; or (iii)
4 disturbs, or attempts to disturb, by repeated anonymous telephone calls or other
5 electronic communications, whether or not conversation ensues, the peace,
6 quiet, or right of privacy of any person at the place where the communication
7 or communications are received shall be fined not more than \$250.00 or be
8 imprisoned not more than three months or both. If the defendant has
9 previously been convicted of a violation of this section or of an offense under
10 the laws of another state or of the United States which would have been an
11 offense under this act if committed in this state, the defendant shall be fined
12 not more than \$500.00 or imprisoned for not more than six months, or both.

13 (b) An intent to terrify, threaten, harass or annoy may be inferred by the
14 trier of fact from the use of obscene, lewd, lascivious, or indecent language or
15 the making of a threat or statement or repeated anonymous telephone calls or
16 other electronic communications as set forth in this section and any trial court
17 may in its discretion include a statement to this effect in its jury charge.

18 (c) An offense committed by use of a telephone or other electronic
19 communication device as set forth in this section shall be considered to have
20 been committed at either the place where the telephone call or calls originated

1 or at the place where the communication or communications or calls were
2 received.

3 (d) As used in this section:

4 (1) “Disturbing or attempting to disturb the peace, quiet, or right of
5 privacy by electronic communications” may include knowingly and
6 intentionally causing a false and defamatory posting to be made to an Internet
7 website.

8 (2) “Makes contact by means of an electronic communication with
9 another” may include causing a posting to be made to an Internet website.

10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on July 1, 2011.