

1 H.547

2 Introduced by Representatives Consejo of Sheldon, Beyor of Highgate,

3 Christie of Hartford, Cole of Burlington, Devereux of Mount

4 Holly, Krowinski of Burlington, Martin of Wolcott, McCarthy

5 of St. Albans City, Mook of Bennington, Savage of Swanton,

6 and Sweaney of Windsor

7 Referred to Committee on

8 Date:

9 Subject: Crimes and criminal procedure; breach of the peace; disturbances;

10 stalking and bullying

11 Statement of purpose of bill as introduced: This bill proposes to create two

12 new criminal offenses, bullying and aggravated bullying.

13 An act relating to creating two new criminal offenses, bullying and
14 aggravated bullying

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

16 Sec. 1. 13 V.S.A. chapter 19, subchapter 7 is redesignated to read:

17 Subchapter 7. Stalking and Bullying

18 Sec. 2. 13 V.S.A. § 1061(6) is added to read:

19 (6) “Electronic communication” means any transfer of words, sounds,

20 signals, writings, or data of any kind that are transmitted by a wire, wireless,

1 radio, or electronic or computer device, network, or system. “Electronic
2 communication” includes:

3 (A) communications transmitted using devices including cellular
4 telephones, computers, and pagers;

5 (B) e-mails, instant messages, text messages, voice messages, voice
6 mail; and

7 (C) postings, comments, and writings on websites, blogs, and social
8 media websites.

9 Sec. 3. 13 V.S.A. § 1064 is added to read:

10 § 1064. BULLYING

11 (a) A person is guilty of bullying if he or she intentionally engages in a
12 course of conduct that consists of communicating with another person verbally,
13 in writing, or by means of a computer, telephone, or any form of electronic
14 communication, and the communication:

15 (1) causes the other person to reasonably fear:

16 (A) bodily injury;

17 (B) serious bodily injury;

18 (C) the commission of a felony crime of violence as defined in
19 section 11a of this title; or

20 (D) to suffer substantial emotional distress; and

21 (2) serves no legitimate purpose.

1 (b) A person who is convicted of bullying shall be imprisoned for not more
2 than 60 days or fined not more than \$1,000.00, or both. A person who is
3 convicted of a second or subsequent offense under this section shall be
4 imprisoned for not more than 180 days or fined not more than \$3,000.00, or
5 both.

6 Sec. 4. 13 V.S.A. § 1065 is added to read:

7 § 1065. AGGRAVATED BULLYING

8 (a) A person is guilty of aggravated bullying if he or she commits the crime
9 of bullying and:

10 (1) the conduct violates an injunction or court order, including an order
11 issued under section 1461 of this title, 12 V.S.A. chapter 178, 15 V.S.A.
12 chapter 21, 33 V.S.A. chapter 69, subchapter 2, or 33 V.S.A. § 5115, that is in
13 effect at the time of the offense;

14 (2) the person has been previously convicted of bullying or aggravated
15 bullying against the same person; or

16 (3) the person has been previously convicted of a felony crime of
17 violence as defined in section 11a of this title against the same person.

18 (b) A person who is convicted of aggravated bullying shall be imprisoned
19 not more than five years or be fined not more than \$25,000.00, or both.

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on July 1, 2014.