

1 S.286

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; breach of the peace; assault of  
6 correctional officer

7 Statement of purpose of bill as introduced: This bill proposes to require that an  
8 assault of a correctional officer be subject to penalties in addition to those  
9 otherwise required by law.

10 An act relating to an assault of a correctional officer

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

12 Sec. 1. 13 V.S.A. § 1028 is amended to read:

13 § 1028. ASSAULT OF LAW ENFORCEMENT OFFICER,

14 CORRECTIONAL OFFICER, FIREFIGHTER, EMERGENCY

15 MEDICAL PERSONNEL MEMBER, OR HEALTH CARE

16 WORKER; ASSAULT WITH BODILY FLUIDS

17 (a) A person convicted of a simple or aggravated assault against a law  
18 enforcement officer, a correctional officer, a firefighter, a health care worker,  
19 or a member of emergency medical personnel as defined in 24 V.S.A.

20 § 2651(6) while the law enforcement officer, correctional officer, firefighter,

1 health care worker, or emergency medical personnel member is performing a  
2 lawful duty, in addition to any other penalties imposed under sections 1023 and  
3 1024 of this title, shall:

4 (1) ~~For~~ for the first offense, be imprisoned not more than one year; and

5 (2) ~~For~~ for the second offense and subsequent offenses, be imprisoned  
6 not more than 10 years.

7 (b)(1) No person shall intentionally cause blood, vomitus, excrement,  
8 mucus, saliva, semen, or urine to come in contact with a person designated in  
9 subsection (a) of this section while the person is performing a lawful duty.

10 (2) A person who violates this subsection shall be imprisoned not more  
11 than one year or fined not more than \$1,000.00, or both.

12 (c) In imposing a sentence under this section, the court shall take into  
13 consideration whether the defendant was a patient at the time of the offense  
14 and had a psychiatric illness, the symptoms of which were exacerbated by the  
15 surrounding circumstances, irrespective of whether the illness constituted an  
16 affirmative defense to the charge.

17 (d) ~~For purposes of~~ As used in this section:

18 (1) "Health care facility" shall have the same meaning as defined in  
19 18 V.S.A. § 9432(8); and

20 (2) "Health care worker" means an employee of a health care facility or  
21 a licensed physician who is on the medical staff of a health care facility who

1 provides direct care to patients or who is part of a team-response to a patient or  
2 visitor incident involving real or potential violence.

3 (3) "Correctional officer" means an employee of the Department of  
4 Corrections whose official duties or job classification includes the supervision  
5 or monitoring of a person on parole, probation, or serving any sentence of  
6 incarceration whether inside or outside a correctional facility.

7 Sec. 2. EFFECTIVE DATE

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