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H.536

Introduced by Representative Clarkson of Woodstock

Referred to Committee on

Date:

Subject: Crimes; murder; manslaughter

Statement of purpose of bill as introduced: This bill proposes to require the defendant to prove provocation for a conviction of manslaughter as a lesser included offense.

An act relating to the burden of proof for reduction of murder charge to manslaughter

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

Sec. 1. 13 V.S.A. § 2310 is amended to read:

§ 2310. CONVICTION OF LESSER OFFENSE

(a) Upon indictment or information for an offense under this chapter, a person may be convicted of a lesser included offense, as the case may be, upon the proofs.

(b) The time limitation created by subsection 4501(b) of this title for the crime of manslaughter shall not bar a conviction under this section.

1 (c) For a conviction of a lesser included offense of manslaughter based on
2 provocation, the defendant bears the burden of establishing provocation by a
3 preponderance of the evidence.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2016.