

1 S.195

2 Introduced by Senators Benning, Kitchel, and Sears

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; breach of the peace; disorderly  
6 conduct

7 Statement of purpose of bill as introduced: This bill proposes to increase the  
8 penalties for second or subsequent convictions for disorderly conduct, and to  
9 create a new crime of aggravated disorderly conduct.

10 An act relating to increasing the penalties for second or subsequent  
11 convictions for disorderly conduct, and creating a new crime of aggravated  
12 disorderly conduct

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

14 Sec. 1. 13 V.S.A. § 1061 is amended to read:

15 § 1061. DEFINITIONS

16 As used in this subchapter:

17 (1) "Stalk" means to engage in a course of conduct which consists of  
18 following, lying in wait for, or harassing, and:

19 (A) serves no legitimate purpose; and

20 (B) would cause a reasonable person to fear for his or her physical  
21 safety or would cause a reasonable person substantial emotional distress.

1           ~~(2) “Course of conduct” means a pattern of conduct composed of two or~~  
2 ~~more acts over a period of time, however short, evidencing a continuity of~~  
3 ~~purpose. Constitutionally protected activity is not included within the meaning~~  
4 ~~of “course of conduct.”~~

5           ~~(3)~~(2) “Following” means maintaining over a period of time a visual or  
6 physical proximity to another person in such manner as would cause a  
7 reasonable person to have a fear of unlawful sexual conduct, unlawful restraint,  
8 bodily injury, or death.

9           ~~(4)~~(3) “Harassing” means actions directed at a specific person, or a  
10 member of the person’s family, which would cause a reasonable person to fear  
11 unlawful sexual conduct, unlawful restraint, bodily injury, or death, including  
12 ~~but not limited to~~ verbal threats, written, telephonic, or other electronically  
13 communicated threats, vandalism, or physical contact without consent.

14           ~~(5)~~(4) “Lying in wait” means hiding or being concealed for the purpose  
15 of attacking or harming another person.

16 Sec. 2. 13 V.S.A. § 1021(4) is added to read:

17           (4) “Course of conduct” means a pattern of conduct composed of two or  
18 more acts over a period of time, however short, evidencing a continuity of  
19 purpose. Constitutionally protected activity is not included within the meaning  
20 of “course of conduct.”

1 Sec. 3. 13 V.S.A. § 1026 is amended to read:

2 § 1026. DISORDERLY CONDUCT

3 ~~A person who~~ (a) A person is guilty of disorderly conduct if he or she, with  
4 intent to cause public inconvenience, or annoyance, or recklessly ~~creating~~  
5 creates a risk thereof:

6 (1) ~~Engages~~ engages in fighting or in violent, tumultuous, or threatening  
7 behavior; ~~or~~

8 (2) ~~Makes~~ makes unreasonable noise; ~~or~~

9 (3) ~~In~~ in a public place, uses abusive or obscene language; ~~or~~

10 (4) ~~Without~~ without lawful authority, disturbs any lawful assembly or  
11 meeting of persons; or

12 (5) ~~Obstructs~~ obstructs vehicular or pedestrian traffic, ~~shall be~~  
13 ~~imprisoned for not more than 60 days or fined not more than \$500.00 or both.~~

14 (b) A person who is convicted of disorderly conduct shall be imprisoned  
15 for not more than 60 days or fined not more than \$500.00, or both. A person  
16 who is convicted of a second or subsequent offense under this section shall be  
17 imprisoned for not more than 120 days or fined not more than \$1,000.00,  
18 or both.

1 Sec. 4. 13 V.S.A. § 1026a is added to read:

2 § 1026a. AGGRAVATED DISORDERLY CONDUCT

3 (a) A person is guilty of aggravated disorderly conduct if he or she engages  
4 in a course of conduct directed at a specific person with the intent to cause the  
5 person inconvenience, annoyance, or to disturb the person's peace, quiet, or  
6 right of privacy and:

7 (1) engages in fighting or in violent, tumultuous, or  
8 threatening behavior;

9 (2) makes unreasonable noise;

10 (3) in a public place, uses abusive or obscene language; or

11 (4) threatens bodily injury or serious bodily injury, or threatens to  
12 commit a felony crime of violence as defined in section 11a of this title.

13 (b) A person who is convicted of aggravated disorderly conduct shall be  
14 imprisoned not more than 180 days or fined not more than \$2,000.00, or both.

15 Sec. 5. EFFECTIVE DATE

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