

Senate Calendar

THURSDAY, FEBRUARY 18, 2016

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ACTION CALENDAR

NEW BUSINESS

Third Reading

H. 524.

An act relating to seeking a waiver to permit businesses to continue to purchase Exchange plans directly from insurers.

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 154.

An act relating to enhanced penalties for assaulting an employee of the Family Services Division of the Department for Children and Families and to criminal threatening.

Reported favorably with recommendation of amendment by Senator Nitka for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 1028. ASSAULT OF LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL PERSONNEL MEMBER, MANDATED REPORTER, EMPLOYEE OF FAMILY SERVICES DIVISION OF DEPARTMENT FOR CHILDREN AND FAMILIES, OR HEALTH CARE WORKER; ASSAULT WITH BODILY FLUIDS

(a) A person convicted of a simple or aggravated assault against a law enforcement officer, a firefighter, a health care worker, a mandated reporter as defined in 33 V.S.A. § 4913, an employee of the Family Services Division of the Department for Children and Families, or a member of emergency medical personnel as defined in 24 V.S.A. § 2651(6) while the officer, firefighter, health care worker, mandated reporter, employee of the Family Services Division, or emergency medical personnel member is performing a lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, shall:

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

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

* * *

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

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

(2) “Health care worker” means an employee of a health care facility or a licensed physician who is on the medical staff of a health care facility who provides direct care to patients or who is part of a team-response to a patient or visitor incident involving real or potential violence.

(3) “Performing a lawful duty” for a mandated reporter shall mean performing the mandated reporter’s lawful duty under 13 V.S.A. § 4913(c).

(e) This section shall not apply to an individual under 18 years of age residing in a residential rehabilitation facility.

Sec. 2. 13 V.S.A. § 1702 is added to read:

§ 1702. CRIMINAL THREATENING

(a) A person shall not by words or conduct intentionally:

(1) threaten another person; and

(2) as a result of the threat, place the other person in reasonable apprehension of death or serious bodily injury.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) A person who violates subsection (a) of this section with the intent to prevent another person from reporting to the Department for Children and Families the suspected abuse or neglect of a child shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

(d) As used in this section:

(1) “Serious bodily injury” shall have the same meaning as in section 1021 of this title.

(2) “Threat” and “threaten” shall not include constitutionally protected activity.

(e) Any person charged under this section who is under 18 years of age shall be adjudicated as a juvenile delinquent.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-1-0)

CONCURRENT RESOLUTIONS FOR NOTICE

S.C.R. 35-36 (For text of Resolutions, see Addendum to Senate Calendar for February 18, 2016)

H.C.R. 242-247 (For text of Resolutions, see Addendum to House Calendar for February 18, 2016)

NOTICE OF JOINT ASSEMBLY

Thursday, February 18, 2016 - 10:30 A.M. - Election of two (2) trustees for the Vermont State Colleges Corporation.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

FOR INFORMATION ONLY

CROSS OVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 11, 2016**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 18, 2016**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on House bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).