

Report of Committee of Conference

S.154

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon Senate Bill, entitled:

S.154. An act relating to enhanced penalties for assaulting an employee of the Family Division of the Department for Children and Families and to criminal threatening.

Respectfully reports that it has met and considered the same and recommends that the Senate accede to the House's proposal of amendment and that the bill be further amended by adding a Sec. 6b to read:

Sec. 6b. 13 V.S.A. § 1702 is added to read:

§ 1702. CRIMINAL THREATENING

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

(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.

(f) It shall be an affirmative defense to a charge under this section that the person did not have the ability to carry out the threat. The burden shall be on the defendant to prove the affirmative defense by a preponderance of the evidence.

and that after passage the title of the bill be amended to read: “An act relating to stalking, criminal threatening, and enhanced penalties for assault”

COMMITTEE ON THE PART OF
THE SENATE

SEN. JOHN F. CAMPBELL

SEN. RICHARD W. SEARS

SEN. MARGARET K. FLORY

COMMITTEE ON THE PART OF
THE HOUSE

REP. MAXINE JO GRAD

REP. BARBARA RACHELSON

REP. CHARLES W. CONQUEST