

The Vermont Statutes Online

Title 13 : Crimes And Criminal Procedure

Chapter 019 : Breach Of The Peace; Disturbances

Subchapter 004 : Other Disturbances Of The Peace

- **§ 1028. Assault of law enforcement officer, firefighter, emergency medical personnel member, or health care worker; assault with bodily fluids**

(a) A person convicted of a simple or aggravated assault or extortion and threats (13 V.S.A § 1701) against a law enforcement officer, a firefighter, a health care worker, a member of emergency medical personnel as defined in 24 V.S.A. § 2651(6), or an employee of the Department for Children and Families while the officer, firefighter, health care worker, emergency medical personnel member, or employee of the Department for Children and Families 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.

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

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

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

(d) For purposes of 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. (Added 1973, No. 219 (Adj. Sess.), eff. 30 days from April 3, 1974; amended 1995, No. 146 (Adj. Sess.), § 1; 2007, No. 51, § 18; 2007, No. 198 (Adj. Sess.), § 1; 2011, No. 26, § 1, eff. May 12, 2011.)