

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 154
3 entitled “An act relating to enhanced penalties for assaulting an employee of
4 the Family Services Division of the Department for Children and Families and
5 to criminal threatening” respectfully reports that it has considered the same and
6 recommends that the bill be amended by striking out all after the enacting
7 clause and inserting in lieu thereof the following:

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

9 § 1028. ASSAULT OF LAW ENFORCEMENT OFFICER, FIREFIGHTER,
10 EMERGENCY MEDICAL PERSONNEL MEMBER, EMPLOYEE
11 OF FAMILY SERVICES DIVISION OF DEPARTMENT FOR
12 CHILDREN AND FAMILIES, OR HEALTH CARE WORKER;
13 ASSAULT WITH BODILY FLUIDS

14 (a) A person convicted of a simple or aggravated assault against a law
15 enforcement officer, a firefighter, a health care worker, a mandated reporter as
16 defined in 33 V.S.A. § 4913, an employee of the Family Services Division of
17 the Department for Children and Families, or a member of emergency medical
18 personnel as defined in 24 V.S.A. § 2651(6) while the officer, firefighter,
19 health care worker, mandated reporter, employee of the Family Services
20 Division, or emergency medical personnel member is performing a lawful

1 duty, in addition to any other penalties imposed under sections 1023 and 1024
2 of this title, shall:

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

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

6 (b) For purposes of subsection (a), “performing a lawful duty” for a
7 mandated reporter shall mean performing the mandated reporter’s lawful duty
8 under 13 V.S.A. § 4913(c).

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

11 * * *

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

13 § 1702. CRIMINAL THREATENING

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

15 (1) threaten another person; and

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

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

20 (c) A person who violates subsection (a) of this section with the intent to
21 prevent another person from reporting to the Department for Children and

1 Families the suspected abuse or neglect of a child shall be imprisoned not more
2 than two years or fined not more than \$1,000.00, or both.

3 (d) As used in this section:

4 (1) “Serious bodily injury” shall have the same meaning as in section
5 1021 of this title.

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

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

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.

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18 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE