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H.361

Introduced by Representatives Burke of Brattleboro, Bancroft of Westford,  
Bissonnette of Winooski, Brennan of Colchester, Christie of  
Hartford, Deen of Westminster, Lefebvre of Newark,  
McCullough of Williston, Nolan of Morristown, and Potter of  
Clarendon

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; extortion and threats; threatening a  
law enforcement or corrections officer

Statement of purpose of bill as introduced: This bill proposes to prohibit  
threatening a law enforcement or corrections officer.

An act relating to threatening a law enforcement or corrections officer

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

Sec. 1. 13 V.S.A. § 1703 is added to read:

§ 1703. THREATENING A LAW ENFORCEMENT OR CORRECTIONS

OFFICER

(a) As used in this section:

(1) “Corrections officer” means an employee of the Department of  
Corrections whose official duties or job classification includes the supervision

1 or monitoring of a person on parole or probation or serving any sentence of  
2 incarceration whether inside or outside a correctional facility.

3 (2) “Law enforcement officer” means a member of the Department of  
4 Public Safety who exercises law enforcement powers; a member of the State  
5 police; a Capitol Police officer; a municipal police officer; a constable who  
6 exercises law enforcement powers; a motor vehicle inspector; an employee of  
7 the Department of Liquor Control who exercises law enforcement powers; an  
8 investigator employed by the Secretary of State, the Department of Health, the  
9 Attorney General, or a State’s Attorney; a fish and wildlife warden; a sheriff or  
10 deputy sheriff who exercises law enforcement powers; and a railroad police  
11 officer commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8.

12 (b) A person shall not by words or conduct knowingly threaten a law  
13 enforcement officer or corrections officer in connection with the officer’s  
14 exercise of his or her duties.

15 (c) “Threaten” shall not include constitutionally protected activity.

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

20 (e) A person who violates subsection (b) of this section shall be imprisoned  
21 not more than two years or fined not more than \$5,000.00, or both.

1       Sec. 2. EFFECTIVE DATE

2       This act shall take effect on July 1, 2017.