

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 25
3 entitled “An act relating to domestic terrorism” respectfully reports that it has
4 considered the same and recommends that the House concur in the Senate
5 proposal of amendment with further amendment thereto by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 4003 is amended to read:

8 § 4003. CARRYING DANGEROUS WEAPONS

9 A person who carries a dangerous or deadly weapon, ~~openly or concealed,~~
10 with the intent ~~or avowed purpose of injuring a fellow man, or who carries a~~
11 ~~dangerous or deadly weapon within any state institution or upon the grounds or~~
12 ~~lands owned or leased for the use of such institution, without the approval of~~
13 ~~the warden or superintendent of the institution, to injure another in violation of~~
14 the criminal laws of this State shall be imprisoned for not more than two years
15 or fined not more than ~~\$200.00~~ \$2,000.00, or both. It shall be a felony
16 punishable by not more than 10 years of imprisonment or a fine of \$25,000.00,
17 or both, if the person intends to injure multiple persons.

18 Sec. 2. 13 V.S.A. § 1703 is added to read:

19 § 1703. DOMESTIC TERRORISM

20 (a) As used in this section:

1 (1) “Domestic terrorism” means engaging in or taking a substantial step
2 to commit a violation of the criminal laws of this State with the intent to:

3 (A) cause death or serious bodily injury to multiple persons; or

4 (B) place any civilian population in reasonable apprehension of death
5 or serious bodily injury.

6 (2) “Serious bodily injury” shall have the same meaning as in section
7 1021 of this title.

8 (3) “Substantial step” shall mean conduct that is strongly corroborative
9 of the actor’s criminal purpose. Without negating the sufficiency of other
10 conduct, the following, if strongly corroborative of the actor’s criminal
11 purpose, shall not be held insufficient as a matter of law:

12 (A) lying in wait, searching for, or following the contemplated victim
13 of the crime;

14 (B) enticing or seeking to entice the contemplated victim of the crime
15 to go to the place contemplated for the commission of the crime;

16 (C) reconnoitering the place contemplated for the commission of the
17 crime;

18 (D) unlawfully entering a structure, vehicle, or enclosure
19 contemplated for the commission of the crime;

20 (E) possessing materials to be employed in the commission of the
21 crime that are:

1 (i) specially designed for such unlawful use; or

2 (ii) that can serve no lawful purpose under the circumstances;

3 (F) possessing, collecting, or fabricating of materials to be employed

4 in the commission of the crime, at or near the place contemplated for its

5 commission, if such possession, collection, or fabrication serves no lawful

6 purpose of the actor under the circumstances; or

7 (G) soliciting an innocent agent to engage in conduct constituting an

8 element of the crime.

9 (b) A person who willfully engages in an act of domestic terrorism shall be

10 imprisoned for not more than 20 years or fined not more than \$50,000.00, or

11 both.

12 (c) It shall be an affirmative defense to a charge under this section that the

13 actor abandoned his or her effort to commit the crime or otherwise prevented

14 its commission, under circumstances manifesting a complete and voluntary

15 renunciation of his or her criminal purpose. The establishment of such a

16 defense does not affect the liability of an accomplice who did not join in such

17 abandonment or prevention. Renunciation of criminal purpose is not voluntary

18 if it is motivated, in whole or in part, by circumstances, not present or apparent

19 at the inception of the actor's course of conduct, that increase the probability of

20 detection or apprehension or that make more difficult the accomplishment of

21 the criminal purpose. Renunciation is not complete if it is motivated by a

1 decision to postpone the criminal conduct until a more advantageous time or to
2 transfer the criminal effort to another but similar objective or victim or group
3 of victims.

4 Sec. 3. 13 V.S.A. § 4004 is amended to read:

5 § 4004. POSSESSION OF DANGEROUS OR DEADLY WEAPON IN A
6 SCHOOL BUS OR SCHOOL BUILDING OR ON SCHOOL
7 PROPERTY

8 (a) No person shall knowingly possess a firearm or a dangerous or deadly
9 weapon while within a school building or on a school bus. A person who
10 violates this section shall, for the first offense, be imprisoned for not more than
11 one year or fined not more than \$1,000.00, or both, and for a second or
12 subsequent offense shall be imprisoned for not more than three years or fined
13 not more than \$5,000.00, or both.

14 (b) No person shall knowingly possess a firearm or a dangerous or deadly
15 weapon on any school property with the intent to injure another person. A
16 person who violates this section shall, for the first offense, be imprisoned for
17 not more than ~~two~~ three years or fined not more than \$1,000.00, or both, and
18 for a second or subsequent offense shall be imprisoned for not more than ~~three~~
19 five years or fined not more than \$5,000.00, or both.

20 (c) This section shall not apply to:

21 (1) A law enforcement officer while engaged in law enforcement duties.

1 (2) Possession and use of firearms or dangerous or deadly weapons if
2 the board of school directors, or the superintendent or principal if delegated
3 authority to do so by the board, authorizes possession or use for specific
4 occasions or for instructional or other specific purposes.

5 (d) As used in this section:

6 (1) “School property” means any property owned by a school, including
7 motor vehicles.

8 (2) “Owned by the school” means owned, leased, controlled, or
9 subcontracted by the school.

10 (3) “Dangerous or deadly weapon” ~~has~~ shall have the same meaning
11 ~~defined as~~ in section 4016 of this title.

12 (4) “Firearm” ~~has~~ shall have the same meaning ~~defined as~~ in section
13 4016 of this title.

14 (5) “Law enforcement officer” ~~has~~ shall have the same meaning ~~defined~~
15 as in section 4016 of this title.

16 (e) The provisions of this section shall not limit or restrict any prosecution
17 for any other offense, including simple assault or aggravated assault.

1 Sec. 4. EFFECTIVE DATE

2 This act shall take effect on passage.

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5 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE