

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 267  
3 entitled “An act relating to timing of a decree nisi in a divorce proceeding”  
4 respectfully reports that it has considered the same and recommends that the  
5 House propose to the Senate that the bill be amended by striking out all after  
6 the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 9 is amended to read:

8 § 9. ATTEMPTS

9 (a) ~~A Attempts; generally. Except as provided in subsection (d) of this~~  
10 ~~section, a person who attempts to commit an offense and does an act toward~~  
11 ~~the commission thereof, but by reason of being interrupted or prevented fails in~~  
12 ~~the execution of the same, shall be punished as herein provided unless other~~  
13 ~~express provision is made by law for the punishment of the attempt. If the~~  
14 ~~offense attempted to be committed is murder, aggravated murder, kidnapping,~~  
15 ~~arson causing death, human trafficking, aggravated human trafficking,~~  
16 ~~aggravated sexual assault, or sexual assault, a person shall be punished as the~~  
17 ~~offense attempted to be committed is by law punishable.~~

18 (b) Felonies. If the offense attempted to be committed is a felony other  
19 than those set forth in subsection ~~(a)~~(d) of this section, a person shall be  
20 punished by the less severe of the following punishments:

1           (1) imprisonment for not more than 10 years or fined not more than  
2           \$10,000.00, or both; or

3           (2) as the offense attempted to be committed is by law punishable.

4           (c) Misdemeanors. If the offense attempted to be committed is a  
5           misdemeanor, a person shall be imprisoned or fined, or both, in an amount not  
6           to exceed one-half the maximum penalty for which the offense so attempted to  
7           be committed is by law punishable.

8           (d) Serious violent felonies.

9           (1) If the offense attempted to be committed is murder, aggravated  
10          murder, kidnapping, arson causing death, human trafficking, aggravated  
11          human trafficking, aggravated sexual assault, or sexual assault, the penalty  
12          shall be less than the maximum penalty for which the offense so attempted to  
13          be committed is punishable by law.

14          (2) Notwithstanding subsection (a) of this section, a person is guilty of  
15          an attempt to commit an offense under this subsection if, with the purpose of  
16          committing the offense, he or she performs any act that is a substantial step  
17          towards the commission of the offense. A “substantial step” is conduct  
18          strongly corroborative of the actor’s intent to complete the commission of the  
19          offense and that advances beyond mere preparation.

1           (3) Defenses.

2           (A) It is no defense to a prosecution under this subsection that the  
3           offense attempted was, under the actual attendant circumstances, factually or  
4           legally impossible of commission, if such offense could have been committed  
5           had the attendant circumstances been as the actor believed them to be.

6           (B) It shall be an affirmative defense to a charge under this  
7           subsection (d), if proven by a preponderance of the evidence, that the actor  
8           abandoned his or her effort to commit the crime or otherwise prevented its  
9           commission, under circumstances manifesting a complete and voluntary  
10           renunciation of his or her criminal purpose. The establishment of such a  
11           defense does not affect the liability of an accomplice who did not join in such  
12           abandonment or prevention. Renunciation of criminal purpose is not voluntary  
13           if it is motivated, in whole or in part, by circumstances, not present or apparent  
14           at the inception of the actor's course of conduct, that increase the probability of  
15           detection or apprehension or that make more difficult the accomplishment of  
16           the criminal purpose. Renunciation is not complete if it is motivated by a  
17           decision to postpone the criminal conduct until a more advantageous time or to  
18           transfer the criminal effort to another but similar objective or victim.

1 Sec. 2. 13 V.S.A. § 3501 is amended to read:

2 § 3501. DEFINITIONS

3 (a) As used in this chapter:

4 \* \* \*

5 (7) “Weapon of mass destruction” means:

6 (A) a chemical warfare agent, weaponized biological or biologic  
7 warfare agent, nuclear agent, ~~or~~ radiological agent; or

8 (B) any firearm possessed with the intent to inflict injury or death on  
9 multiple persons.

10 \* \* \*

11 Sec. 3. 13 V.S.A. § 4003 is amended to read:

12 § 4003. CARRYING DANGEROUS WEAPONS

13 (a) A person who carries or possesses a dangerous or deadly weapon,  
14 ~~openly or concealed, or with the intent or avowed purpose of injuring a fellow~~  
15 ~~man, to injure another shall be imprisoned not more than two years or fined not~~  
16 more than \$2,000.00, or both. It shall be a felony punishable by not more than  
17 20 years or a fine of \$100,000 or both if the person intends to injure multiple  
18 persons.

19 (b) A person who carries a dangerous or deadly weapon within any state  
20 institution or educational institution or upon the grounds or lands owned or  
21 leased for the use of such institution, without the approval of the warden or

1 superintendent of the institution, shall be imprisoned not more than two years  
2 or fined not more than ~~\$200.00~~ \$2,000.00, or both.

3 Sec. 4. 13 V.S.A. § 4003a is added to read:

4 § 4003a. POSSESSION OF A WEAPON OF MASS DESTRUCTION;

5 STATE INSTITUTIONS

6 (a) As used in this section, “weapon of mass destruction” shall mean a  
7 chemical warfare agent as defined in section 3501 of this title, a weaponized  
8 biological or biologic warfare agent as defined by 3501 of this title, a  
9 destructive device as defined in section 1603 of this title, or a firearm.

10 (b) A person who carries or possesses a weapon of mass destruction as  
11 defined in section 3501 of this title with the intent to injure another within any  
12 state institution or educational institution or upon the grounds or lands owned  
13 or leased for the use of such institution, shall be imprisoned not more than 10  
14 years or fined not more than \$10,000.00, or both. It shall be a felony  
15 punishable by not more than 20 years or a fine of \$100,000.00, or both if the  
16 person intends to injure multiple persons.

1 Sec. 5. 13 V.S.A. § 1703 is added to read:

2 § 1703. DOMESTIC TERRORISM

3 (a) As used in this section:

4 (1) “Domestic terrorism” shall mean threatening to engage in, engaging in,  
5 or substantially planning a violation of the criminal laws of this State with the  
6 intent to:

7 (A) cause death or serious bodily injury to multiple people;

8 (B) cause substantial damage to property or the environment;

9 (C) intimidate, coerce, or interfere with any state or local  
10 governmental operations;

11 (D) influence or affect the policy or conduct of any state or local  
12 governmental entity by intimidation or coercion; or

13 (E) threaten any civilian population with mass destruction, mass  
14 killings, or kidnapping.

15 (2) “Coercion” shall not include an act of civil disobedience or other  
16 forms of lawful protest.

17 (b) A person who knowingly and willfully engages in an act of domestic  
18 terrorism shall be imprisoned for not more than X years or fined not more than  
19 \$X, or both.

