



## MEMORANDUM

To: House Judiciary  
From: Robert L. Sand, Center for Justice Reform ([rsand@vermontlaw.edu](mailto:rsand@vermontlaw.edu)) (802-831-1061)  
Date: April 18, 2018  
Re: Alternatives to amending the law of Attempt

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### Option 1

#### Carrying a Dangerous Weapon

13 VSA Sec. 4003 is amended to read:

A person who carries or possesses a dangerous or deadly weapon, ~~openly or concealed~~, with the intent ~~or avowed purpose~~ of injuring ~~a fellow man~~ another, or who carries a dangerous or deadly weapon within any state institution or upon the grounds or lands owned or leased for the use of such institution, without the approval of the warden or superintendent of the institution, shall be imprisoned not more than two years or fined not more than \$200.00, or both. It shall be a felony punishable by not more than 20 years or a fine of \$100,000 or both if the person intends to injure more than one person.

Note: The prosecution must still prove the felony enhancement beyond a reasonable doubt

### Option 2

#### Weapons of Mass Destruction

13 VSA Sec 3501(a)(7) is amended to read:

(7) "Weapon of mass destruction" means a chemical warfare agent, weaponized biological or biologic warfare agent, nuclear agent, ~~or radiological agent~~, or any firearm possessed with the intent to inflict injury or death on multiple persons." 13 VSA 3501(a)(7).

Note: With this amendment, a possessor with the requisite intent violates 13 VSA 3502 even without engaging in an attempt.