

Sec. 3. 13 V.S.A. § 1703 is added to read:

§ 1703. DOMESTIC TERRORISM

(a) As used in this section:

(1) "Domestic terrorism" shall mean ~~threatening to engage in, engaging in, threatening to engage in and taking a substantial step to commit, or planning to engage in and taking a substantial step to commit a violation of the criminal laws of this State or an act dangerous to human life~~ with the intent to:

(A) cause death or serious bodily injury to multiple people in a public setting;

(B) cause widespread or substantial damage to a building or the environment; or .

(C) place a ~~threaten any~~ civilian population in apprehension of mass killings or mass destruction. ~~with mass destruction, mass killings, or kidnapping.~~

(2) "Substantial step" shall mean conduct that is strongly corroborative of the actor's intent to commit complete the commission of the offense. Under this section a "substantial step" includes the obtaining, collecting, purchasing, or fabrication of materials or weapons to be employed in the commission of the offense; or reconnoitering the place contemplated for the commission of the crime;

(3) "Public Setting" shall mean any place that is open and accessible to the general public, and shall include educational institutions and school property as defined in section 4004 of this title and public buildings as defined in 20 V.S.A. 2900(8) .

(3) "Serious bodily injury" shall have the same meaning as in section 1201 of this title.

(b) A person who knowingly and willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

Commented [A1]: These revisions would further narrow the statute: (1) a person would have to actually be engaging in a violation of law or other act dangerous to human life that may not, standing alone be criminal, **or** (2) be threatening or planning to engage in a violation of law or other act dangerous to human life **and** have taken a substantial step to follow through on the threat or plan.

Actually engaging in a violation of law or an act dangerous to human life with the requisite intent to do one or more of the three things under subsections (A)(B) or (C) would constitute a violation of the statute.

Combining a threat or planning with a substantial step requirement would address concerns that simply threatening or planning to engage in violation of law or an act dangerous to human life without some affirmative step toward the ultimate goal would be overbroad.