

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 25
3 entitled “An act relating to sexual assault survivors’ rights” respectfully reports
4 that it has considered the same and recommends that the Senate propose to the
5 House that the bill be amended by striking out all after the enacting clause and
6 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 or possesses a dangerous or deadly weapon, ~~openly or~~
10 ~~concealed, or with the intent or avowed purpose of injuring a fellow man, who~~
11 ~~carries a dangerous or deadly weapon within any state institution or upon the~~
12 ~~grounds or lands owned or leased for the use of such institution, without the~~
13 ~~approval of the warden or superintendent of the institution, to injure another in~~
14 violation of the criminal laws of this State shall be imprisoned for not more
15 than two years or fined not more than ~~\$200.00~~ \$2,000.00, or both. It shall be a
16 felony punishable by not more than 10 years imprisonment or a fine of
17 \$25,000.00, 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” shall mean engaging in or taking a substantial
2 step 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 mass
5 destruction, mass killings, or kidnapping.

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

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

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

14 (C) reconnoitering the place contemplated for the commission of the
15 crime;

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

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

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

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

1 (F) possessing, collecting, or fabricating of materials to be employed
2 in the commission of the crime, at or near the place contemplated for its
3 commission, if such possession, collection, or fabrication serves no lawful
4 purpose of the actor under the circumstances; or

5 (G) soliciting an innocent agent to engage in conduct constituting an
6 element of the crime.

7 (3) “Serious bodily injury” shall have the same meaning as in section
8 1201 of this title.

9 (b) A person who knowingly and willfully engages in an act of domestic
10 terrorism shall be imprisoned for not more than 20 years or fined not more than
11 \$50,000.00, or both.

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

13 § 4004. POSSESSION OF DANGEROUS OR DEADLY WEAPON IN A
14 SCHOOL BUS OR SCHOOL BUILDING OR ON SCHOOL
15 PROPERTY

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

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

7 (c) This section shall not apply to:

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

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

13 (d) As used in this section:

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

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

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

20 (4) “Firearm” ~~has~~ shall have the same meaning ~~defined as~~ in section
21 4016 of this title.

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

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

5 Sec. 4. EFFECTIVE DATE

6 This act shall take effect on passage.
7 and that after passage the title of the bill be amended to read: “An act relating
8 to domestic terrorism”

9

10

11 (Committee vote: _____)

12

13

Senator _____

14

FOR THE COMMITTEE