

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 sexual assault survivors’ rights” respectfully reports
4 that it has considered the same and recommends that the House concur in the
5 Senate proposal of amendment with further amendment thereto by striking out
6 all after 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 ~~or possesses~~ a dangerous or deadly weapon, ~~openly or~~
10 ~~concealed~~, with the intent ~~or avowed purpose of injuring a fellow man, or 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 of 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” 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; and

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

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

12 § 4004. POSSESSION OF DANGEROUS OR DEADLY WEAPON IN A
13 SCHOOL BUS OR SCHOOL BUILDING OR ON SCHOOL
14 PROPERTY

15 (a) No person shall knowingly possess a firearm or a dangerous or deadly
16 weapon while within a school building or on a school bus. A person who
17 violates this section shall, for the first offense, be imprisoned for not more than
18 one year or fined not more than \$1,000.00, or both, and for a second or
19 subsequent offense shall be imprisoned for not more than three years or fined
20 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. 13 V.S.A. § 9 is amended to read:

6 § 9. ATTEMPTS

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

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

19 (1) imprisonment for not more than 10 years or ~~fined~~ a fine of not more
20 than \$10,000.00, or both; or

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

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

5 (d) Serious violent felonies.

6 (1) Penalties.

7 (A) If the offense attempted to be committed is murder, aggravated
8 murder, kidnapping, arson causing death, human trafficking, aggravated
9 human trafficking, aggravated sexual assault, or sexual assault, the penalty
10 shall not exceed 20 years of imprisonment or a \$50,000.00 fine, or both.

11 (B) If the offense attempted to be committed is domestic terrorism,
12 the penalty shall not exceed 10 years of imprisonment or a \$25,000.00 fine, or
13 both.

14 (C) If the offense attempted to be committed is murder, aggravated
15 murder, kidnapping, arson causing death, human trafficking, aggravated
16 human trafficking, aggravated sexual assault, or sexual assault, and results in
17 serious bodily injury to the victim, the penalty shall not exceed the maximum
18 penalty by which the offense attempted to be committed is punishable by law,
19 but any presumptive or mandatory minimum penalty applicable to the offense
20 attempted to be committed shall not apply.

1 (2) Substantial step analysis.

2 (A) Notwithstanding subsection (a) of this section, a person is guilty
3 of an attempt to commit an offense under this subsection if, with the purpose of
4 committing the offense, he or she performs any act that is a substantial step
5 toward the commission of the offense. A “substantial step” is conduct strongly
6 corroborative of the actor’s intent to complete the commission of the offense
7 and that advances beyond mere preparation.

8 (B) Conduct shall not be held to constitute a substantial step under
9 subdivision (2) of this subsection unless it is strongly corroborative of the
10 actor’s criminal purpose. Without negating the sufficiency of other conduct,
11 the following, if strongly corroborative of the actor’s criminal purpose, shall
12 not be held insufficient as a matter of law:

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

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

17 (iii) reconnoitering the place contemplated for the commission of
18 the crime;

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

1 (v) possessing materials to be employed in the commission of the
2 crime:

3 (I) that are specially designed for such unlawful use; or

4 (II) that can serve no lawful purpose under the circumstances;

5 (vi) possessing, collecting, or fabricating of materials to be
6 employed in the commission of the crime, at or near the place contemplated for
7 its commission, if such possession, collection, or fabrication serves no lawful
8 purpose of the actor under the circumstances; or

9 (vii) soliciting an innocent agent to engage in conduct constituting
10 an element of the crime.

11 (4) Defenses.

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

16 (B) It shall be an affirmative defense to a charge under this
17 subsection (d) that the actor abandoned his or her effort to commit the crime or
18 otherwise prevented its commission, under circumstances manifesting a
19 complete and voluntary renunciation of his or her criminal purpose. The
20 establishment of such a defense does not affect the liability of an accomplice
21 who did not join in such abandonment or prevention. Renunciation of criminal

1 purpose is not voluntary if it is motivated, in whole or in part, by
2 circumstances not present or apparent at the inception of the actor's course of
3 conduct that increase the probability of detection or apprehension or that make
4 more difficult the accomplishment of the criminal purpose. Renunciation is
5 not complete if it is motivated by a decision to postpone the criminal conduct
6 until a more advantageous time or to transfer the criminal effort to another but
7 similar objective or victim.

8 Sec. 5. EFFECTIVE DATE

9 This act shall take effect on passage.

10 and that after passage the title of the bill be amended to read: “An act relating
11 to domestic terrorism”

12

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14 (Committee vote: _____)

15

16

Representative _____

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FOR THE COMMITTEE