

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 675
3 entitled “An act relating to conditions of release prior to trial” respectfully
4 reports that it has considered the same and recommends that the Senate
5 propose to the House that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 1702 is amended to read:

8 § 1702. CRIMINAL THREATENING

9 (a) A person shall not by words or conduct knowingly:

10 (1) threaten another person; and

11 (2) as a result of the threat, place ~~the~~ any other person in reasonable
12 apprehension of death or serious bodily injury to themselves or any other
13 person.

14 (b) A person who violates subsection (a) of this section shall be imprisoned
15 not more than one year or fined not more than \$1,000.00, or both.

16 (c) A person who violates subsection (a) of this section with the intent to
17 prevent another person from reporting to the Department for Children and
18 Families the suspected abuse or neglect of a child shall be imprisoned not more
19 than two years or fined not more than \$1,000.00, or both.

20 (d)(1) A person shall not by words or conduct knowingly:

1 (A) threaten to use a firearm or an explosive device to harm another
2 person in a school building, on school property, or in an institution of higher
3 education; and

4 (B) as a result of the threat, place any other person in reasonable
5 apprehension of death or serious bodily injury to themselves or any other
6 person.

7 (2) A person who violates this subsection shall be imprisoned not more
8 than five years or fined not more than \$5,000.00, or both.

9 ~~(d)~~(e) As used in this section:

10 (1) “Serious bodily injury” shall have the same meaning as in section
11 1021 of this title.

12 (2) “Threat” and “threaten” shall not include constitutionally protected
13 activity.

14 (3) “Firearm” shall have the same meaning as in section 4016 of this
15 title.

16 (4) “School property” shall have the same meaning as in section 4004 of
17 this title.

18 ~~(e)~~(f) Any person charged under subsection (a) or (c) of this section who is
19 under 18 years of age shall be adjudicated as a juvenile delinquent.

20 ~~(f)~~(g) It shall be an affirmative defense to a charge under this section that
21 the person did not have the ability to carry out the threat. The burden shall be

1 on the defendant to prove the affirmative defense by a preponderance of the
2 evidence.

3 Sec. 2. 13 V.S.A. § 4004 is amended to read:

4 § 4004. POSSESSION OF DANGEROUS OR DEADLY WEAPON IN A
5 SCHOOL BUS OR SCHOOL BUILDING OR ON SCHOOL
6 PROPERTY

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

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

19 (c) This section shall not apply to:

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

1 (2) the nature and scope of assistance that a school resource officer will
2 provide to the school system.

3 Sec. 4. RESTORATIVE JUSTICE PRINCIPLES FOR RESPONDING
4 TO SCHOOL DISCIPLINE PROBLEMS

5 On or before July 1, 2019, the Agency of Education shall issue a report to
6 all public school boards and boards of approved independent schools that set
7 out restorative justice principles for responding to school discipline problems.

8 On or before July 1, 2020, each public school board and each board of an
9 approved independent school shall adopt a policy on the use of restorative
10 justice principles for responding to school discipline problems, which shall be
11 in effect for the 2020-2021 school year. The restorative justice principles
12 contained in the Agency report and the schools' policies shall be designed to:

13 (1) decrease the use of exclusionary discipline;

14 (2) ensure that disciplinary measures are applied fairly and do not target
15 students based on race, ethnicity, gender, family income level, sexual
16 orientation, immigration status, or disability status; and

17 (3) provide students with the opportunity to make academic progress
18 while suspended or expelled.

19 Sec. 5. EFFECTIVE DATES

20 Sec. 3 shall take effect July 1, 2018 and the remaining sections shall take
21 effect on passage.

1 and that after passage the title of the bill be amended to read: “An act relating
2 to school safety”

3 (Committee vote: _____)

4 _____

5 Senator _____

6 FOR THE COMMITTEE