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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.	

(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	$\frac{(f)(g)}{(g)}$ 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) Possession and use of firearms or dangerous or deadly weapons if		
2	the board of school directors, or the superintendent or principal if delegated		
3	authority to do so by the board, authorizes possession or use for specific		
4	occasions or for instructional or other specific purposes.		
5	(d) As used in this section:		
6	(1) "School property" means any property owned by a school, including		
7	motor vehicles.		
8	(2) "Owned by the school" means owned, leased, controlled or		
9	subcontracted by the school.		
10	* * *		
11	Sec. 3. 16 V.S.A. § 1167 is amended to read:		
12	§ 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF		
13	UNDERSTANDING		
14	(a) Neither the State Board nor the Agency shall regulate the use of		
15	restraint and seclusion on school property by a school resource officer certified		
16	pursuant to 20 V.S.A. § 2358.		
17	(b) School boards Prior to utilization of a school resource officer in a		
18	school, the school board and relevant law enforcement agencies are		
19	encouraged to agency shall enter into memoranda of understanding relating to:		
20	(1) the possession and use of weapons and devices by a school resource		
21	officer on school property; and		

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	