

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. § 7554(a)(2)(G) is added to read:

8 (G) Require a defendant not to possess firearms or other weapons.

9 Sec. 2. 13 V.S.A. § 1702 is amended to read:

10 § 1702. CRIMINAL THREATENING

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

12 (1) threaten another person; and

13 (2) as a result of the threat, place the other person in reasonable  
14 apprehension of death or serious bodily injury.

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

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

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

1           (A) threaten to harm another person with a firearm or an explosive  
2           device; and

3           (B) as a result of the threat, place the other person in reasonable  
4           apprehension of death or serious bodily injury.

5           (2) A person who violates this subsection shall be imprisoned not more  
6           than three years or fined not more than \$1,000.00, or both.

7           (e)(1) A person shall not by words or conduct knowingly:

8           (A) threaten to harm another person with a firearm or an explosive  
9           device in a school building, on school grounds, on a school bus, or in an  
10           institution of higher education; and

11           (B) as a result of the threat, place the other person in reasonable  
12           apprehension of death or serious bodily injury.

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

15           ~~(d)~~(f) As used in this section:

16           (1) “Serious bodily injury” shall have the same meaning as in section  
17           1021 of this title.

18           (2) “Threat” and “threaten” shall not include constitutionally protected  
19           activity.

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

1        ~~(f)~~(h) It shall be an affirmative defense to a charge under this section that  
2        the person did not have the ability to carry out the threat. The burden shall be  
3        on the defendant to prove the affirmative defense by a preponderance of the  
4        evidence.

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

7        On or before July 1, 2019, the Agency of Education shall issue a report to  
8        all public school boards and boards of approved independent schools that set  
9        out restorative justice principles for responding to school discipline problems.  
10       On or before July 1, 2020, each public school board and each board of an  
11       approved independent school shall adopt a policy on the use of restorative  
12       justice principles for responding to school discipline problems, which shall be  
13       in effect for the 2020-2021 school year. The restorative justice principles  
14       contained in the Agency report and the schools' policies shall be designed to:

- 15            (1) decrease the use of exclusionary discipline;  
16            (2) ensure that disciplinary measures are applied fairly and do not target  
17        students based on race, ethnicity, gender, family income level, sexual  
18        orientation, immigration status, or disability status; and  
19            (3) provide students with the opportunity to make academic progress  
20        while suspended or expelled.  
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2 and that after passage the title of the bill be amended to read: “An act relating  
3 to school safety”

4 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE