

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.

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

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

19 (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 grounds property, on a school bus, or in
3 an institution of higher education; and

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

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

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

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

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

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

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

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

19 ~~(f)~~(g) It shall be an affirmative defense to a charge under this section that
20 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. 16 V.S.A. § 1167 is amended to read:

4 § 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF
5 UNDERSTANDING

6 (a) Neither the State Board nor the Agency shall regulate the use of
7 restraint and seclusion on school property by a school resource officer certified
8 pursuant to 20 V.S.A. § 2358.

9 (b) School boards and law enforcement agencies ~~are encouraged to~~ shall
10 enter into memoranda of understanding relating to:

11 (1) the possession and use of weapons and devices by a school resource
12 officer on school property; and

13 (2) the nature and scope of assistance that a school resource officer will
14 provide to the school system that is based on imminent threats to students.

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

16 § 4004. POSSESSION OF DANGEROUS OR DEADLY WEAPON IN A
17 SCHOOL BUS OR SCHOOL BUILDING OR ON SCHOOL
18 PROPERTY

19 (a) No person shall knowingly possess a firearm or a dangerous or deadly
20 weapon while within a school building or on a school bus. A person who
21 violates this section shall, for the first offense, be imprisoned not more than

1 one year or fined not more than \$1,000.00, or both, and for a second or
2 subsequent offense shall be imprisoned not more than three years or fined not
3 more than \$5,000.00, or both.

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

10 (c) This section shall not apply to:

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

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

16 (d) As used in this section:

17 (1) "School property" means any property owned by a school, including
18 motor vehicles.

19 (2) "Owned by the school" means owned, leased, controlled or
20 subcontracted by the school.

21 * * *

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

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

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

11 (1) decrease the use of exclusionary discipline;

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

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

17 **Sec. 5. EFFECTIVE DATE**

18 This act shall take effect on passage.

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

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE