

**H.25: an act relating to domestic terrorism**  
**side by side**  
**5/2/18**

<b>As passed the Senate</b>	<b>As passed the House</b>
<p>Sec. 1. 13 V.S.A. § 4003 is amended to read:</p> <p>§ 4003. CARRYING DANGEROUS WEAPONS</p> <p>A person who carries <b>or possesses</b> a dangerous or deadly weapon, <del>openly or concealed, or</del> with the intent <del>or avowed purpose of injuring a fellow man, who carries a dangerous or deadly weapon within any state institution or upon the grounds or lands owned or leased for the use of such institution, without the approval of the warden or superintendent of the institution, to</del> injure another shall be imprisoned not more than two years or fined not more than <del>\$200.00</del> <u>\$2,000.00</u>, or both. <u>It shall be a felony punishable by not more than 10 years or a fine of \$25,000.00, or both, if the person intends to injure multiple persons.</u></p>	<p>Sec. 1. 13 V.S.A. § 4003 is amended to read:</p> <p>§ 4003. CARRYING DANGEROUS WEAPONS</p> <p>A person who carries a dangerous or deadly weapon, <del>openly or</del> concealed, with the intent <del>or avowed purpose of injuring a fellow man, or who carries a dangerous or deadly weapon within any state institution or upon the grounds or lands owned or leased for the use of such institution, without the approval of the warden or superintendent of the institution, to</del> injure another <b>in violation of the criminal laws of this State</b> shall be imprisoned <u>for</u> not more than two years or fined not more than <del>\$200.00</del> <u>\$2,000.00</u>, or both. <u>It shall be a felony punishable by not more than 10 years of imprisonment or a fine of \$25,000.00, or both, if the person intends to injure multiple persons.</u></p>
<p>Sec. 2. 13 V.S.A. § 1703 is added to read:</p> <p><u>§ 1703. DOMESTIC TERRORISM</u></p> <p><u>(a) As used in this section:</u></p> <p><u>(1) “Domestic terrorism” shall mean engaging in, or taking</u></p>	<p>Sec. 2. 13 V.S.A. § 1703 is added to read:</p> <p><u>§ 1703. DOMESTIC TERRORISM</u></p> <p><u>(a) As used in this section:</u></p> <p><u>(1) “Domestic terrorism” means engaging in or taking a</u></p>

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**5/2/18**

<p>substantial steps to commit a violation of the criminal laws of this State with the intent to:</p> <p>(A) <u>cause death or serious bodily injury to multiple people; or</u></p> <p>(B) <u>threaten any civilian population with mass destruction, mass killings, or kidnapping.</u></p> <p>(2) <u>“Substantial step” shall mean conduct that is strongly corroborative of the actor’s intent to complete the commission of the offense.</u></p>	<p>substantial step to commit a violation of the criminal laws of this State with the intent to:</p> <p>(A) <u>cause death or serious bodily injury to multiple persons; or</u></p> <p>(B) <u>place any civilian population in reasonable apprehension of death or serious bodily injury.</u></p> <p>(2) <u>“Serious bodily injury” shall have the same meaning as in section 1021 of this title.</u></p> <p>(3) <u>“Substantial step” shall mean conduct that is strongly corroborative of the actor’s criminal purpose. Without negating the sufficiency of other conduct, the following, if strongly corroborative of the actor’s criminal purpose, shall not be held insufficient as a matter of law:</u></p> <p>(A) <u>lying in wait, searching for, or following the contemplated victim of the crime;</u></p> <p>(B) <u>enticing or seeking to entice the contemplated victim of the crime to go to the place contemplated for the commission of the crime;</u></p>
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H.25: an act relating to domestic terrorism  
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<p>(b) A person who knowingly and willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20</p>	<p>(C) reconnoitering the place contemplated for the commission of the crime;</p> <p>(D) unlawfully entering a structure, vehicle, or enclosure contemplated for the commission of the crime;</p> <p>(E) possessing materials to be employed in the commission of the crime that are:</p> <ul style="list-style-type: none"><li>(i) specially designed for such unlawful use; or</li><li>(ii) that can serve no lawful purpose under the circumstances;</li></ul> <p>(F) possessing, collecting, or fabricating materials to be employed in the commission of the crime, at or near the place contemplated for its commission, if such possession, collection, or fabrication serves no lawful purpose of the actor under the circumstances; or</p> <p>(G) soliciting an innocent agent to engage in conduct constituting an element of the crime.</p> <p>(b) A person who willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined</p>
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<p>years or fined not more than \$50,000.00, or both.</p>	<p>not more than \$50,000.00, or both.</p> <p><u>(c) It shall be an affirmative defense to a charge under this section that the actor abandoned his or her effort to commit the crime or otherwise prevented its commission under circumstances manifesting a complete and voluntary renunciation of his or her criminal purpose. The establishment of such a defense does not affect the liability of an accomplice who did not join in such abandonment or prevention. Renunciation of criminal purpose is not voluntary if it is motivated, in whole or in part, by circumstances, not present or apparent at the inception of the actor's course of conduct, that increase the probability of detection or apprehension or that make more difficult the accomplishment of the criminal purpose. Renunciation is not complete if it is motivated by a decision to postpone the criminal conduct until a more advantageous time or to transfer the criminal effort to another but similar objective or victim or group of victims.</u></p>
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[No corresponding language in Senate version]

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

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

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

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

**H.25: an act relating to domestic terrorism**  
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	<p>or both.</p> <p>(c) This section shall not apply to:</p> <p>(1) A law enforcement officer while engaged in law enforcement duties.</p> <p>(2) Possession and use of firearms or dangerous or deadly weapons if the board of school directors, or the superintendent or principal if delegated authority to do so by the board, authorizes possession or use for specific occasions or for instructional or other specific purposes.</p> <p>(d) As used in this section:</p> <p>(1) “School property” means any property owned by a school, including motor vehicles.</p> <p>(2) “Owned by the school” means owned, leased, controlled, or subcontracted by the school.</p> <p>(3) “Dangerous or deadly weapon” <del>has</del> <u>shall have the same</u> meaning <del>defined as</del> <u>in section 4016 of this title.</u></p> <p>(4) “Firearm” <del>has</del> <u>shall have the same</u> meaning <del>defined as</del> <u>in section 4016 of this title.</u></p>
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**H.25: an act relating to domestic terrorism**  
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	<p>(5) “Law enforcement officer” <del>has</del> <u>shall have the same</u> meaning <del>defined as</del> <u>in</u> section 4016 of this title.</p> <p>(e) The provisions of this section shall not limit or restrict any prosecution for any other offense, including simple assault or aggravated assault.</p>
<p>Sec. 3. EFFECTIVE DATE</p> <p><u>This act shall take effect on passage.</u></p>	<p>Sec. 4. EFFECTIVE DATE</p> <p><u>This act shall take effect on passage.</u></p>