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H.7

Introduced by Representatives Sibilias of Dover and Hashim of Dummerston
Referred to Committee on
Date:
Subject: Crimes; second degree aggravated domestic assault; prior convictions
Statement of purpose of bill as introduced: This bill proposes to permit an out-of-state domestic assault conviction to qualify as a prior conviction for purposes of a second degree aggravated domestic assault prosecution in Vermont.

An act relating to second degree aggravated domestic assault

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1, 13 V.S.A., § 1044 is amended to read:~~

~~§ 1044. SECOND DEGREE AGGRAVATED DOMESTIC ASSAULT~~

~~(a) A person commits the crime of second degree aggravated domestic assault if the person:~~

~~(1) Commits the crime of domestic assault and such conduct violates:~~

~~(A) specific conditions of a criminal court order in effect at the time~~

~~of the offense imposed to protect that other person,~~

1 (B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a
2 similar order issued in another jurisdiction;

3 (C) a final order against stalking or sexual assault issued under
4 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

5 (D) a final order against abuse of a vulnerable adult issued under
6 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

7 (2) Commits the crime of domestic assault; and

8 (A) has a prior conviction within the last 10 years for violating an
9 abuse prevention order issued under section 1030 of this title; or

10 (B) has a prior conviction for domestic assault under section 1042 of
11 this title or for a crime that, if committed within the State, would constitute a
12 violation of section 1042 of this title.

13 (3) For the purpose of this subsection, the term “issued in another
14 jurisdiction” means issued by a court in any other state; in a federally
15 recognized Indian tribe, territory, or possession of the United States; in the
16 Commonwealth of Puerto Rico; or in the District of Columbia.

17 (b) A person who commits the crime of second degree aggravated domestic
18 assault shall be imprisoned not more than five years or fined not more than
19 \$10,000.00, or both.

20 * * *

21 Sec. 2. EFFECTIVE DATE

1 ~~This act shall take effect on passage.~~

Sec. 1. 13 V.S.A. § 1044 is amended to read:

§ 1044. SECOND DEGREE AGGRAVATED DOMESTIC ASSAULT

(a) A person commits the crime of second degree aggravated domestic assault if the person:

(1) Commits the crime of domestic assault and such conduct violates:

(A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;

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(C) a final order against stalking or sexual assault issued under 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

(D) a final order against abuse of a vulnerable adult issued under 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

(2) Commits the crime of domestic assault; and

(A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or

(B) has a prior conviction for domestic assault under section 1042 of this title or for an offense that, if committed within the State, would constitute a violation of section 1042 of this title.

(3) For the purpose of this subsection, the term “issued in another jurisdiction” means issued by a court in any other state; in a federally

recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

(b) A person who commits the crime of second degree aggravated domestic assault shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.