

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 419
3 entitled “An act relating to criminal threatening” respectfully reports that it has
4 considered the same and recommends that the bill be amended by striking out
5 all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. 13 V.S.A. § 1702 is amended to read:

7 § 1702. CRIMINAL THREATENING

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

9 (1) threaten another person; and

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

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

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

18 (2) A person who violates subsection (a) of this section with the intent to
19 place a group of people in reasonable apprehension of death or serious bodily
20 injury, or cause evacuation of a building, place of assembly, or facility of

1 public transportation, shall be imprisoned not more than five years or fined not
2 more than \$10,000.00, or both.

3 OR

4 (2) A person who violates subsection (a) of this section with the intent to
5 cause evacuation of a building, place of assembly, or facility of public
6 transportation, shall be imprisoned not more than five years or fined not more
7 than \$10,000.00, or both.

8 (d) 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 (e) Any person charged under this section who is under 18 years of age
14 shall be adjudicated as a juvenile delinquent.

15 ~~(f) It shall be an affirmative defense to a charge under this section that~~ For
16 purposes of sentencing, the court shall consider whether the person did not
17 have the ability to carry out the threat and whether the person’s actions had the
18 effect of causing evacuation of a building, place of assembly, or facility of
19 public transportation. ~~The burden shall be on the defendant to prove the~~
20 ~~affirmative defense by a preponderance of the evidence.~~

21

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on passage.

3

4

5 (Committee vote: _____)

6

7

Representative _____

8

FOR THE COMMITTEE