TO THE HOUSE OF REPRESENTATIVES:

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

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

§ 1702. CRIMINAL THREATENING

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

(1) threaten another person; and

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

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

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

(2) A person who violates subsection (a) of this section with the intent to place a group of people in reasonable apprehension of death or serious bodily injury, or cause evacuation of a building, place of assembly, or facility of
public transportation, shall be imprisoned not more than five years or fined not
more than $10,000.00, or both.

OR

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

(d) As used in this section:

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

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

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

(f) It shall be an affirmative defense to a charge under this section that For
purposes of sentencing, the court shall consider whether the person did not
have the ability to carry out the threat and whether the person’s actions had the
effect of causing evacuation of a building, place of assembly, or facility of
public transportation. The burden shall be on the defendant to prove the
affirmative defense by a preponderance of the evidence.
Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: ____________)

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Representative ____________

FOR THE COMMITTEE