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March 11, 2020

VIA E-MAIL

House Committee on Judiciary  
Vermont State House  
115 State St.  
Montpelier, VT 05633

**In re: H. 419 – An Act Relating to Criminal Threatening**

Dear Rep. Grad,

I write in support of H. 419. I believe the bill addresses a significant gap between offenses the class of offenses typically used to address threatening behavior directed at a specific person, including disorderly or aggravated disorderly conduct, in violation of 13 V.S.A. §§ 1026-1026a, disturbing the peace by electronic means, in violation of 13 V.S.A. § 1027, and criminal threatening (in its present form), in violation of 13 V.S.A. § 1702(a) with the recently enacted crime of domestic terrorism, in violation of 13 V.S.A. § 1703.

Recognizing that threats may be directed a group of individuals, rather than a singular individual, is important. The consequence and impact of these threats may be profound on a community – we need look no further than the experiences of Fair Haven and the Mad River Valley when individuals threatened harm to schools within those communities. H. 419 would fill an intermediate offense level between the typical offenses that relate to threats against a specific person and the offense of domestic terrorism which requires actually putting a plan to harm into motion.

Clearly, a threat itself can traumatize communities – the 2018 threat relating to Harwood Union High School did not result in direct harm, yet it caused children to stay home from school, parents to question the safety of their children, and resulted in days of Vermont State Police presence at the school.

Treating threats towards schools or institutions that are made with the specific intent to cause panic or fear of death or serious bodily injury as a felony offense is appropriate and consistent with the interests of justice. Doing so ensures adequate

time for supervision or rehabilitation, if an individual is convicted, and moreover, would result in Brady disqualification with respect to firearms. Likewise, as a felony offense it ensures that courts will be able to impose more than \$200 in bail and impose conditions of release proportionate to the threat presented to immediately ensure public safety and appearance at future proceedings.

I recognize the legislature is reluctant to introduce more criminal offenses at a time when significant progress is being made in terms of criminal justice reform. Nevertheless, this subject matter is one that directly affects public safety and is a reasonable step to “fill the gap” between domestic terrorism and the misdemeanor offenses (subject to presumptive diversion referral, e.g. disorderly conduct) that are presently available to address a threat against a school or other institution/entity.

Passage of this bill is a priority for my office, following the 2018 Harwood Union incident and my service on the Governor’s Community Violence Prevention Task Force. I strongly encourage the Committee to advance this legislation and hope that, if enacted, it will serve to deter future threats and advance public safety.

Thank you for the opportunity to share my thoughts, and I regret being unable to appear before the Committee personally today.

Very respectfully,



Rory T. Thibault  
State’s Attorney

cc: James Pepper, Esq.  
Dept’ of State’s Attorneys & Sheriffs