

Amendment to H.7  
Vermont Network Against Domestic and Sexual Violence  
January 25, 2019

The Vermont Network Against Domestic and Sexual Violence proposes an amendment to H.7 related to prior convictions for the crime of first degree aggravated domestic assault in 13 V.S.A. § 1043.

One of the provisions of 13 V.S.A. § 1043 states that someone can be convicted for committing first degree aggravated domestic assault if the person commits the crime of domestic assault and has been previously convicted of aggravated domestic assault. This is similar to the prior conviction language that H.7 is amending for § 1044 (second degree aggravated domestic assault). The amended language in H.7 should also apply to § 1043.

We propose the addition of the following amendment:

**§ 1043. First degree aggravated domestic assault**

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

(1) attempts to cause or willfully or recklessly causes serious bodily injury to a family or household member; or

(2) uses, attempts to use, or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or

(3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault or for a crime that, if committed within the State, would constitute a violation of section 1044 of this title.

(b) A person who commits the crime of first degree aggravated domestic assault shall be imprisoned not more than 15 years or fined not more than \$25,000.00, or both.

(c) Conduct constituting the offense of first degree aggravated domestic assault under this section shall be considered a violent act for the purpose of determining bail.

Thank you for your consideration of this matter.