

1 H.302

2 Introduced by Representatives Grad of Moretown, Canfield of Fair Haven,
3 Dolan of Waitsfield, Stevens of Waterbury, and Wood of
4 Waterbury

5 Referred to Committee on

6 Date:

7 Subject: Crimes; criminal threatening

8 Statement of purpose of bill as introduced: This bill proposes to provide an
9 enhanced penalty for criminal threats involving the use of firearms or
10 explosives at a school.

11 An act relating to criminal threatening in schools

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

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

14 § 1702. CRIMINAL THREATENING

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

16 (1) threaten another person; and

17 (2) as a result of the threat, place the other person in reasonable

18 apprehension of death or serious bodily injury to the person or to the person's

19 family.

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

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

7 (2) A person who violates subsection (a) of this section by threatening to
8 use a firearm or explosive device in a school building, on school grounds, or in
9 an institution of higher education shall be imprisoned for not more than five
10 years or fined not more than \$5,000.00 or both.

11 (d) As used in this section:

12 (1) “Serious bodily injury” shall have the same meaning as in section
13 1021 of this title.

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

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

18 (f) ~~It shall be an affirmative defense to a charge under this section that a~~
19 mitigating factor at sentencing the person did not have the ability to carry out
20 the threat. The burden shall be on the defendant to prove the affirmative
21 defense by a preponderance of the evidence.

- 1 Sec. 2. EFFECTIVE DATE
- 2 This act shall take effect on passage.