

1 S.230

2 Introduced by Senators McCormack and Perchlik

3 Referred to Committee on

4 Date:

5 Subject: Crimes; criminal threatening; threats to public officials and
6 employees

7 Statement of purpose of bill as introduced: This bill proposes to provide an
8 enhanced penalty for the criminal threatening of election officials, public
9 employees, and public servants.

10 An act relating to criminal threatening of election officials, public
11 employees, and public servants

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.

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

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

5 (d) A person who violates subsection (a) of this section with the intent to
6 influence the conduct of a public servant, election official, or public employee
7 relative to the public servant's, election official's, or public employee's
8 respective position or in retaliation for previous action taken by a public
9 servant, election official, or public employee relative to the public servant's,
10 election official's, or public employee's respective position shall be
11 imprisoned not more than three years or fined not more than \$1,000.00, or
12 both.

13 (e) As used in this section:

14 (1) "Serious bodily injury" ~~shall have~~ has the same meaning as in
15 section 1021 of this title.

16 (2) "Threat" and "threaten" ~~shall~~ do not include constitutionally
17 protected activity.

18 (3) "Election official" has the same meaning as in 17 V.S.A. § 2455.

19 (4) "Public employee" means a classified employee within the
20 Legislative, Executive, or Judicial Branch of the State and any of its political

1 subdivisions and any employee within a county or local government and any of
2 the county's or local government's political subdivisions.

3 (5) "Public servant" has the same meaning as in 17 V.S.A. § 2103.

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

6 ~~(f)~~(g) It shall be an affirmative defense to a charge under this section that
7 the person did not have the ability to carry out the threat. The burden shall be
8 on the defendant to prove the affirmative defense by a preponderance of the
9 evidence.

10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on July 1, 2022.