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H.255

Introduced by Representatives Krasnow of South Burlington, Arsenault of
Williston, Austin of Colchester, Burkhardt of South Burlington,
Duke of Burlington, Hooper of Burlington, Kleppner of
Burlington, Labor of Morgan, Lalley of Shelburne, Logan of
Burlington, Minier of South Burlington, Pouech of Hinesburg,
Sweeney of Shelburne, and Wells of Brownington

Referred to Committee on

Date:

Subject: Crimes; assault of protected professionals; public transit workers

Statement of purpose of bill as introduced: This bill proposes to establish
increased criminal penalties when a public transit worker is the victim of an
assault.

An act relating to establishing increased criminal penalties for an assault of
a public transit worker

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

Sec. 1. 13 V.S.A. § 1028 is amended to read:

§ 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH
BODILY FLUIDS

1 (a) A person convicted of a simple or aggravated assault against a protected
2 professional as defined in subdivision (d)(1) of this section while the protected
3 professional is performing a lawful duty, or with the intent to prevent the
4 protected professional from performing ~~his or her~~ the protected professional's
5 lawful duty, in addition to any other penalties imposed under sections 1023 and
6 1024 of this title, shall:

7 (1) for the first offense, be imprisoned not more than one year; and

8 (2) for the second offense and subsequent offenses, be imprisoned not
9 more than 10 years.

10 (b)(1) No person shall intentionally cause blood, vomitus, excrement,
11 mucus, saliva, semen, or urine to come in contact with a protected professional
12 while the person is performing a lawful duty.

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

15 (c) In imposing a sentence under this section, the court shall take into
16 consideration whether the defendant was a patient at the time of the offense
17 and had a psychiatric illness, the symptoms of which were exacerbated by the
18 surrounding circumstances, irrespective of whether the illness constituted an
19 affirmative defense to the charge.

20 (d) As used in this section:

1 (1) “Protected professional” ~~shall mean~~ means a law enforcement
2 officer; a firefighter; a health care worker; an employee, contractor, or grantee
3 of the Department for Children and Families; a public transit worker; or any
4 emergency medical personnel as defined in 24 V.S.A. § 2651(6).

5 (2) “Health care facility” ~~shall have~~ has the same meaning as defined in
6 18 V.S.A. § 9432(8).

7 (3) “Health care worker” means an employee of a health care facility or
8 a licensed physician who is on the medical staff of a health care facility who
9 provides direct care to patients or who is part of a team-response to a patient or
10 visitor incident involving real or potential violence.

11 (4) “Public transit worker” means:

12 (A) a driver providing public transit as an employee or a volunteer; or

13 (B) an employee supporting public transit riders at a transit center.

14 (e) This section shall not apply to an individual under 18 years of age
15 residing in a residential rehabilitation facility.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on passage.