

No. 135. An act relating to domestic terrorism.

(H.25)

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

Sec. 1. 13 V.S.A. § 4003 is amended to read:

§ 4003. CARRYING DANGEROUS WEAPONS

A person who carries a dangerous or deadly weapon, ~~openly or concealed,~~ with the intent ~~or avowed purpose of injuring a fellow man, or who carries a dangerous or deadly weapon within any state institution or upon the grounds or lands owned or leased for the use of such institution, without the approval of the warden or superintendent of the institution,~~ to injure another shall be imprisoned ~~for~~ not more than two years or fined not more than \$200.00 ~~\$2,000.00, or both. It shall be a felony punishable by not more than 10 years of imprisonment or a fine of \$25,000.00, or both, if the person intends to injure multiple persons.~~

Sec. 2. 13 V.S.A. § 1703 is added to read:

§ 1703. DOMESTIC TERRORISM

(a) As used in this section:

(1) "Domestic terrorism" means engaging in or taking a substantial step to commit a violation of the criminal laws of this State with the intent to:

(A) cause death or serious bodily injury to multiple persons; or

(B) threaten any civilian population with mass destruction, mass killings, or kidnapping.

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

(3) “Substantial step” shall mean conduct that is strongly corroborative of the actor’s intent to complete the commission of the offense.

(b) A person who willfully engages in an act of domestic terrorism shall be imprisoned for not more than 20 years or fined not more than \$50,000.00, or both.

(c) It shall be an affirmative defense to a charge under this section that the actor abandoned his or her effort to commit the crime or otherwise prevented its commission under circumstances manifesting a complete and voluntary renunciation of his or her criminal purpose.

Sec. 3. 13 V.S.A. § 4004 is amended to read:

§ 4004. POSSESSION OF DANGEROUS OR DEADLY WEAPON IN A
SCHOOL BUS OR SCHOOL BUILDING OR ON SCHOOL
PROPERTY

(a) No person shall knowingly possess a firearm or a dangerous or deadly weapon while within a school building or on a school bus. A person who violates this section shall, for the first offense, be imprisoned for not more than one year or fined not more than \$1,000.00, or both, and for a second or subsequent offense shall be imprisoned for not more than three years or fined not more than \$5,000.00, or both.

(b) No person shall knowingly possess a firearm or a dangerous or deadly weapon on any school property with the intent to injure another person. A person who violates this section shall, for the first offense, be imprisoned for not more than ~~two~~ three years or fined not more than \$1,000.00, or both, and for a second or subsequent offense shall be imprisoned for not more than ~~three~~ five years or fined not more than \$5,000.00, or both.

(c) This section shall not apply to:

(1) A law enforcement officer while engaged in law enforcement duties.

(2) Possession and use of firearms or dangerous or deadly weapons if the board of school directors, or the superintendent or principal if delegated authority to do so by the board, authorizes possession or use for specific occasions or for instructional or other specific purposes.

(d) As used in this section:

(1) "School property" means any property owned by a school, including motor vehicles.

(2) "Owned by the school" means owned, leased, controlled, or subcontracted by the school.

(3) "Dangerous or deadly weapon" ~~has~~ shall have the same meaning ~~defined as~~ in section 4016 of this title.

(4) "Firearm" ~~has~~ shall have the same meaning ~~defined as~~ in section 4016 of this title.

(5) “Law enforcement officer” ~~has~~ shall have the same meaning defined
as in section 4016 of this title.

(e) The provisions of this section shall not limit or restrict any prosecution
for any other offense, including simple assault or aggravated assault.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: May 21, 2018