



Scope of Statutes:

Basis of Criminal Liability

Nature of Threat / Fear

Offense	Basis of Criminal Liability				Nature of Threat / Fear			
	Words	Conduct	Presence Required	Third Party or Group	Bodily Injury	Death or SBI	Property	Affirmative Defense
Disorderly Conduct	No*	Yes	Yes	Yes	Yes	Yes	Maybe	No
Agg. Disorderly Conduct	No*	Yes	Yes	No	Yes	Yes	Maybe	No
Dist. Peace by Phone, etc.	Yes	Yes**	No	Yes	Yes	Yes	Yes	No
Criminal Threatening	Yes	Yes	No	No	No	Yes	No	Yes
Agg. Assault Threat w/ Wpn	No^	Yes	Yes	No	No	Yes	No	No
False Public Alarms	No^	Yes	No	Yes	No	Yes	Yes	No

* The Vermont Supreme Court has substantially limited scope of “abusive and obscene” language under 13 V.S.A. §§ 1026(a)(3) & 1026a(a)(3)

** Repeated calls (with no actual communication/conversation) provides a basis for charging on the basis of conduct alone.

^ Intent element of offense may include words, but offense requires conduct.

- Criminal threatening may be based on words or conduct, but the scope is limited to the person receiving the threat, and there must be reasonable apprehension of death or serious bodily injury.
- Affirmative defense, once raised, requires State to prove that the person had the ability to carry out the threat at the time it was made.