

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 7
3 entitled “An act relating to second degree aggravated domestic assault”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 1044 is amended to read:

8 § 1044. SECOND DEGREE AGGRAVATED DOMESTIC ASSAULT

9 (a) A person commits the crime of second degree aggravated domestic
10 assault if the person:

11 (1) Commits the crime of domestic assault and such conduct violates:

12 (A) specific conditions of a criminal court order in effect at the time
13 of the offense imposed to protect that other person;

14 (B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a
15 similar order issued in another jurisdiction;

16 (C) a final order against stalking or sexual assault issued under
17 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

18 (D) a final order against abuse of a vulnerable adult issued under
19 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

20 (2) Commits the crime of domestic assault; and

1 (A) has a prior conviction within the last 10 years for violating an
2 abuse prevention order issued under section 1030 of this title; or

3 (B) has a prior conviction for domestic assault under section 1042 of
4 this title or a prior conviction in another jurisdiction for an offense that, if
5 committed within the State, would constitute a violation of section 1042 of this
6 title.

7 (3) For the purpose of this subsection, the term:

8 (A) “issued Issued in another jurisdiction” means issued by a court in
9 any other state; in a federally recognized Indian tribe, territory, or possession
10 of the United States; in the Commonwealth of Puerto Rico; or in the District of
11 Columbia.

12 (B) “Prior conviction in another jurisdiction” means a conviction
13 issued by a court in any other state; in a federally recognized Indian tribe,
14 territory, or possession of the United States; in the Commonwealth of Puerto
15 Rico; or in the District of Columbia.

16 (b) A person who commits the crime of second degree aggravated domestic
17 assault shall be imprisoned not more than five years or fined not more than
18 \$10,000.00, or both.

19 * * *

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on passage.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE