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H.7

Introduced by Representative Sibia of Dover

Referred to Committee on

Date:

Subject: Crimes; second degree aggravated domestic assault; prior convictions

Statement of purpose of bill as introduced: This bill proposes to permit an out-of-state domestic assault conviction to qualify as a prior conviction for purposes of a second degree aggravated domestic assault prosecution in Vermont.

An act relating to second degree aggravated domestic assault

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

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

§ 1044. SECOND DEGREE AGGRAVATED DOMESTIC ASSAULT

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

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

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

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

1 (C) a final order against stalking or sexual assault issued under
2 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

3 (D) a final order against abuse of a vulnerable adult issued under
4 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

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

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

8 (B) has a prior conviction for domestic assault under section 1042 of
9 this title or for a crime that, if committed within the State, would constitute a
10 violation of section 1042 of this title.

11 (3) For the purpose of this subsection, the term “issued in another
12 jurisdiction” means issued by a court in any other state; in a federally
13 recognized Indian tribe, territory, or possession of the United States; in the
14 Commonwealth of Puerto Rico; or in the District of Columbia.

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

18 * * *

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on passage.