

1 H.614

2 Introduced by Representative Clarkson of Woodstock

3 Referred to Committee on

4 Date:

5 Subject: Crimes; murder; manslaughter

6 Statement of purpose of bill as introduced: This bill proposes to establish the
7 elements of manslaughter in statute and create an affirmative defense to
8 murder based on provocation.

9 An act relating to murder and manslaughter

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

11 Sec. 1. 13 V.S.A. § 2301 is amended to read:

12 § 2301. MURDER—DEGREES DEFINED

13 (a) Murder committed by means of poison, or by lying in wait, or by ~~wilful~~
14 willful, deliberate, and premeditated killing, or committed in perpetrating or
15 attempting to perpetrate arson, sexual assault, aggravated sexual assault,
16 robbery, or burglary, shall be murder in the first degree. All other kinds of
17 murder shall be murder in the second degree.

18 (b) In any prosecution under this subsection, it shall be an affirmative
19 defense that the defendant committed the proscribed act or acts under the
20 influence of sudden passion or great provocation that would have caused a

1 reasonable person to lose self-control. Reasonableness shall be determined
2 from the viewpoint of a reasonable person in the defendant's situation under
3 the circumstances as the defendant believed them to be. Nothing contained in
4 this subsection shall constitute a defense to a prosecution for, or preclude a
5 conviction of, manslaughter or any other crime. The burden shall be on the
6 defendant to prove the affirmative defense by a preponderance of the evidence.

7 Sec. 2. 13 V.S.A. § 2304 is amended to read:

8 § 2304. MANSLAUGHTER—DEFINITIONS AND PENALTIES

9 (a) Voluntary manslaughter. Criminal homicide constitutes voluntary
10 manslaughter when:

11 (1) It is committed recklessly.

12 (2) A homicide which would otherwise be murder is committed under
13 the influence of sudden passion or great provocation that would have caused a
14 reasonable person to lose self-control. Reasonableness shall be determined
15 from the viewpoint of a person in the actor's situation under the circumstances
16 as the actor believed them to be.

17 (b) Involuntary manslaughter. Criminal homicide constitutes involuntary
18 manslaughter when it is committed negligently.

19 (c) Penalty. A person who commits manslaughter shall be fined not more
20 than \$3,000.00, or imprisoned for not less than one year nor more than
21 15 years, or both.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2016.