

1 H.741

2 Introduced by Representative O'Brien of Richmond

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; breach of the peace; disturbances;

6 disturbing the peace by use of a telephone or other electronic

7 communication

8 Statement of purpose of bill as introduced: This bill proposes to make illegal

9 threatening and harassing calls and electronic communications that are not

10 anonymous.

11 An act relating to making illegal threatening and harassing calls and  
12 electronic communications that are not anonymous

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

14 Sec. 1. 13 V.S.A. § 1027 is amended to read:

15 § 1027. DISTURBING PEACE BY USE OF TELEPHONE OR OTHER

16 ELECTRONIC COMMUNICATIONS

17 (a) A person who, with intent to terrify, intimidate, threaten, harass, or

18 annoy, makes contact by means of a telephonic or other electronic

19 communication with another and (i) makes any request, suggestion, or

20 proposal which is obscene, lewd, lascivious, or indecent; (ii) threatens to inflict

1 injury or physical harm to the person or property of any person; or (iii)  
2 disturbs, or attempts to disturb, by repeated ~~anonymous~~ telephone calls or other  
3 electronic communications, whether or not conversation ensues, the peace,  
4 quiet, or right of privacy of any person at the place where the communication  
5 or communications are received shall be fined not more than \$250.00 or be  
6 imprisoned not more than three months, or both. If the defendant has  
7 previously been convicted of a violation of this section or of an offense under  
8 the laws of another state or of the United States which would have been an  
9 offense under this act if committed in this ~~state~~ State, the defendant shall be  
10 fined not more than \$500.00 or imprisoned for not more than six months, or  
11 both.

12 (b) An intent to terrify, threaten, harass, or annoy may be inferred by the  
13 trier of fact from the use of obscene, lewd, lascivious, or indecent language or  
14 the making of a threat or statement or repeated ~~anonymous~~ telephone calls or  
15 other electronic communications as set forth in this section and any trial court  
16 may in its discretion include a statement to this effect in its jury charge.

17 (c) An offense committed by use of a telephone or other electronic  
18 communication device as set forth in this section shall be considered to have  
19 been committed at either the place where the telephone call or calls originated  
20 or at the place where the communication or communications or calls were  
21 received.

1       Sec. 2. EFFECTIVE DATE

2       This act shall take effect on July 1, 2014.