

1 H.843

2 Introduced by Representative Nicoll of Ludlow

3 Referred to Committee on

4 Date:

5 Subject: Crimes; breach of the peace; assault of a protected professional

6 Statement of purpose of bill as introduced: This bill proposes to provide  
7 enhanced penalties for assaulting a sports official.

8 An act relating to assault of a sports official

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

10 Sec. 1. 13 V.S.A. § 1028 is amended to read:

11 § 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH  
12 BODILY FLUIDS

13 (a) A person convicted of a simple or aggravated assault against a protected  
14 professional as defined in subdivision (d)(1) of this section while the protected  
15 professional is performing a lawful duty, or with the intent to prevent the  
16 protected professional from performing his or her lawful duty, in addition to  
17 any other penalties imposed under sections 1023 and 1024 of this title, shall:

18 (1) for the first offense, be imprisoned not more than one year;

19 (2) for the second offense and subsequent offenses, be imprisoned not  
20 more than 10 years.

1 (b)(1) No person shall intentionally cause blood, vomitus, excrement,  
2 mucus, saliva, semen, or urine to come in contact with a protected professional  
3 while the person is performing a lawful duty.

4 (2) A person who violates this subsection shall be imprisoned not more  
5 than one year or fined not more than \$1,000.00, or both.

6 (c) In imposing a sentence under this section, the court shall take into  
7 consideration whether the defendant was a patient at the time of the offense  
8 and had a psychiatric illness, the symptoms of which were exacerbated by the  
9 surrounding circumstances, irrespective of whether the illness constituted an  
10 affirmative defense to the charge.

11 (d) As used in this section:

12 (1) "Protected professional" shall mean a law enforcement officer; a  
13 firefighter; a health care worker; an employee, contractor, or grantee of the  
14 Department for Children and Families; ~~or any~~ an emergency medical personnel  
15 as defined in 24 V.S.A. § 2651(6); or a sports official.

16 (2) "Health care facility" shall have the same meaning as defined in  
17 18 V.S.A. § 9432(8).

18 (3) "Health care worker" means an employee of a health care facility or  
19 a licensed physician who is on the medical staff of a health care facility who  
20 provides direct care to patients or who is part of a team-response to a patient or  
21 visitor incident involving real or potential violence.

1           (4) “Sports official” means a person who:

2                   (A) serves as a referee, umpire, or linesman or who serves in a  
3           similar capacity under a different title or name; and

4                   (B) is duly registered by or a member of a local, state, regional, or  
5           national organization engaged at least in part in providing education and  
6           training to sports officials.

7           (e) This section shall not apply to an individual under 18 years of age  
8           residing in a residential rehabilitation facility.

9           Sec. 2. EFFECTIVE DATE

10           This act shall take effect on July 1, 2020.