H.741

Introduced by Representative O’Brien of Richmond

Referred to Committee on

Date:

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

   disturbing the peace by use of a telephone or other electronic

   communication

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

   threatening and harassing calls and electronic communications that are not

   anonymous.

An act relating to making illegal threatening and harassing calls and

   electronic communications that are not anonymous

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

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

§ 1027. DISTURBING PEACE BY USE OF TELEPHONE OR OTHER

   ELECTRONIC COMMUNICATIONS

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

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

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

   proposal which is obscene, lewd, lascivious, or indecent; (ii) threatens to inflict
injury or physical harm to the person or property of any person; or (iii) disturbs, or attempts to disturb, by repeated anonymous telephone calls or other electronic communications, whether or not conversation ensues, the peace, quiet, or right of privacy of any person at the place where the communication or communications are received shall be fined not more than $250.00 or be imprisoned not more than three months, or both. If the defendant has previously been convicted of a violation of this section or of an offense under the laws of another state or of the United States which would have been an offense under this act if committed in this state, the defendant shall be fined not more than $500.00 or imprisoned for not more than six months, or both.

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

(c) An offense committed by use of a telephone or other electronic communication device as set forth in this section shall be considered to have been committed at either the place where the telephone call or calls originated or at the place where the communication or communications or calls were received.
Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.