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H.25

Introduced by Representatives Pellett of Chester, Donaghy of Poultney, Marek
of Newfane and Martin of Springfield

Referred to Committee on

Date:

Subject: Crimes; breach of the peace; shooting victim; duty to render aid

Statement of purpose: This bill proposes to require that a person who has
discharged a firearm and injured another person provide reasonable assistance
to the injured person or face a criminal penalty.

An act relating to shooting victims

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

Sec. 1. 13 V.S.A. § 1032 is added to read:

§ 1032. SHOOTING VICTIM; DUTY TO RENDER AID

(a) A person who discharges a firearm and knows or has reason to know
that the discharge has caused bodily harm to another person shall:

(1) immediately investigate the extent of the person's injuries; and

(2) render immediate reasonable assistance to the injured person.

(b)(1) A person who violates subsection (a) of this section shall be
imprisoned for not more than one year or fined not more than \$1,000.00 or
both if the injured person suffered bodily harm as a result of the discharge.

1 (2) A person who violates subsection (a) of this section shall be
2 imprisoned not more than two years or fined not more than \$5,000.00 or both
3 if the injured person suffered death or serious bodily harm as a result of the
4 discharge.

5 (c) A prosecution for or conviction under this section shall not be a bar to
6 conviction or punishment for any other crime committed by the defendant as
7 part of the same conduct.

8 (d) As used in this section, “reasonable assistance” means aid appropriate
9 to the circumstances, including obtaining or attempting to obtain assistance
10 from law enforcement or from medical personnel.

11 (e) It is an affirmative defense to a charge under this section if the
12 defendant proves by a preponderance of the evidence that the defendant failed
13 to investigate or render assistance as required under this section because the
14 defendant reasonably perceived that these actions could not be taken without a
15 significant risk of bodily harm to the defendant or others.