

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 22
3 entitled “An act relating to sexual exploitation of a person who is being
4 investigated by law enforcement” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out Sec. 1. In its
6 entirety and inserting in lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 3259 is amended to read:

8 § 3259. SEXUAL EXPLOITATION OF A PERSON WHO IS BEING
9 INVESTIGATED, DETAINED, ARRESTED, OR IN THE
10 CUSTODY OF A LAW ENFORCEMENT OFFICER

11 (a) No law enforcement officer shall engage in a ~~sexual act~~ sexual conduct
12 as defined in section 2821 of this title with a person whom the officer is
13 detaining, arresting, or otherwise holding in custody or who the officer knows
14 is being detained, arrested, or otherwise held in custody by another law
15 enforcement officer. For purposes of this section “detaining” and “detained”
16 shall include a traffic stop or questioning pursuant to an investigation of a
17 crime.

18 (b)(1) No law enforcement officer shall engage in sexual conduct as
19 defined in section 2821 of this title with a person whom the officer:

20 (A) is investigating pursuant to an open investigation;

1 (B) knows or should have known is being investigated by another
2 law enforcement officer pursuant to an open investigation; or

3 (C) knows or should have known is a victim or confidential
4 informant in any open investigation.

5 (2) This subsection shall not apply if the law enforcement officer was
6 engaged in a consensual sexual relationship with the person prior to the
7 officer’s knowledge that the person was a suspect, victim, or confidential
8 informant in an open investigation.

9 (c) A person who violates subsection (a) or (b) of this section shall be
10 imprisoned for not more than five years or fined not more than \$10,000.00, or
11 both.

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15 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE