

1

H.153

2

Introduced by Representatives Grad of Moretown, Larson of Burlington, Ram

3

of Burlington, Lippert of Hinesburg, Martin of Springfield,

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Pugh of South Burlington and Wizowaty of Burlington

5

Referred to Committee on

6

Date:

7

Subject: Crimes; human trafficking

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Statement of purpose: This bill proposes to establish a comprehensive system

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of criminal penalties and prevention programs for human trafficking, and a

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program of services for human trafficking victims.

11

An act relating to human trafficking

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

13

Sec. 1. 13 V.S.A. chapter 60 is added to read:

14

CHAPTER 60. HUMAN TRAFFICKING

15

Subchapter 1. Criminal Acts

16

§ 2651. DEFINITIONS

17

As used in this subchapter:

18

(1) "Blackmail" means the extortion of money, labor, commercial

19

sexual activity, or anything of value from a person through use of a threat to

1 expose a secret or publicize an asserted fact, whether true or false, that would  
2 tend to subject the person to hatred, contempt, ridicule, or prosecution.

3 (2) “Commercial sex act” means any sex act on account of which  
4 anything of value is promised to, given to, or received by any person.

5 (3) “Debt bondage” means a condition or arrangement in which a person  
6 requires that a debtor or a another person under the control of a debtor perform  
7 labor, services, sexual acts, sexual conduct, or a sexually explicit performance  
8 in order to retire, repay, or service a real or purported debt which the person  
9 has caused by a systematic, continuous course of conduct with the intent to  
10 defraud the debtor.

11 (4) “Family member” means a spouse, child, sibling, parent, next of kin,  
12 domestic partner, or legal guardian of a victim.

13 (5) “Human trafficking” means to recruit, entice, harbor, transport,  
14 provide, subject, or obtain by any means another person for labor servitude or  
15 sexual servitude.

16 (6)(A) “Labor servitude” means labor or services performed or provided  
17 by a person which are induced or maintained through another person’s conduct  
18 by one or more of the following means:

19 (i) Withholding, destroying, or confiscating any actual or  
20 purported passport, immigration document, or any other government  
21 identification document of the person;

- 1                    (ii) Abusing or threatening to abuse the law or legal process;
- 2                    (iii) Force, threats of force, physical restraint, or threats of
- 3 physical restraint;
- 4                    (iv) Imposing or threatening to impose financial harm on the
- 5 person;
- 6                    (v) Providing a drug to the person with the intent to impair the
- 7 person's judgment or maintain a state of chemical dependence;
- 8                    (vi) Wrongfully taking, obtaining, or withholding any property of
- 9 the person;
- 10                   (vii) Deception or fraud;
- 11                   (viii) Blackmail;
- 12                   (ix) Asserting control over the finances of the person;
- 13                   (x) Debt bondage;
- 14                   (xi) Making false promises relating to the terms and conditions of
- 15 employment, education, marriage, or financial support;
- 16                   (xii) Withholding or threatening to withhold food or medication;
- 17 or
- 18                   (xiii) Any scheme, plan, or pattern intended to cause the person to
- 19 believe that if he or she did not perform such labor or services, he or she or
- 20 another person would suffer bodily injury, restraint, or financial harm.

1           (B) “Labor servitude” shall not include labor or services performed  
2 by family members in a family business or commercial establishment.

3           (7) “Person” shall have the same meaning as in section 128 of Title 1.

4           (8) “Serious bodily injury” shall have the same meaning as in  
5 subdivision 1021(2) of this title.

6           (9) “Sexual act” shall have the same meaning as in subdivision 3251(1)  
7 of this title.

8           (10) “Sexual conduct” shall have the same meaning as in subdivision  
9 3251(2) of this title.

10          (11) “Sexually explicit performance” means a public, live,  
11 photographed, recorded, or videotaped act or show which:

12           (A) Depicts a sexual act or sexual conduct;

13           (B) Is intended to arouse, satisfy the sexual desires of, or appeal to  
14 the prurient interests of patrons or viewers; and

15           (C) Lacks literary, artistic, political, or scientific value.

16          (12) “Sexual servitude” means the performance of any sexual act, sexual  
17 conduct, or sexually explicit performance which is induced or maintained  
18 through another person’s conduct by one or more of the following means:

19           (A) Withholding, destroying, or confiscating any actual or purported  
20 passport, immigration document, or any other government identification  
21 document of the person;

1           (B) Abusing or threatening to abuse the law;

2           (C) Force, threats of force, physical restraint, or threats of physical  
3 restraint;

4           (D) Imposing or threatening to impose financial harm on another  
5 person;

6           (E) Providing a drug to the person with the intent to impair the  
7 person's judgment or maintain a state of chemical dependence;

8           (F) Wrongfully taking, obtaining, or withholding any property of  
9 another person;

10          (G) Deception or fraud;

11          (H) Blackmail;

12          (I) Asserting control over the finances of another person;

13          (J) Debt bondage;

14          (K) Making false promises relating to the terms and conditions of  
15 employment, education, marriage, or financial support;

16          (L) Withholding or threatening to withhold food or medication; or

17          (M) Any scheme, plan, or pattern intended to cause the person to  
18 believe that, if he or she did not perform such labor or services, he or she or  
19 another person would suffer bodily injury, restraint, or financial harm.

20          (13) "Victim of human trafficking" means a person who has been  
21 subject to labor servitude or sexual servitude.

1     § 2652. HUMAN TRAFFICKING FOR LABOR SERVITUDE

2         (a) No person shall knowingly:

3             (1) Subject another person to labor servitude;

4             (2) Recruit, entice, solicit, harbor, transport, provide, or obtain by any  
5     means another person for the purposes of labor servitude; or

6             (3) Benefit financially or by receiving anything of value as a result of  
7     participating in a venture which is in violation of subdivision (1) or (2) of this  
8     subsection.

9         (b) A person who violates this section shall be imprisoned not more than 20  
10     years or fined not more than \$75,000.00, or both.

11         (c) Evidence of consent or permission by a victim of human trafficking or  
12     by anyone on the victim's behalf shall not constitute a defense to a prosecution  
13     under this section, and such evidence shall not preclude a conviction under this  
14     section.

15     § 2653. HUMAN TRAFFICKING FOR SEXUAL SERVITUDE

16         (a) No person shall knowingly:

17             (1) Subject another person to sexual servitude;

18             (2) Recruit, entice, solicit, harbor, transport, provide, or obtain by any  
19     means another person for the purposes of sexual servitude; or

1           (3) Benefit financially or by receiving anything of value as a result of  
2 participating in a venture which is in violation of subdivision (1) or (2) of this  
3 subsection.

4           (b) A person who violates any subdivision of this section shall be  
5 imprisoned not more than 20 years or fined not more than \$75,000.00, or both.

6           (c) In a prosecution for a violation of this section, the alleged consent of the  
7 victim and evidence of the victim's prior sexual conduct are irrelevant and  
8 shall not be admitted.

9           (d) In a prosecution for a violation of this section, age of consent of sex,  
10 legal age of marriage, or other discretionary age shall not be used as a defense.

11           (e) In a prosecution for a violation of this section, a mistake as to the  
12 victim's age shall not be a defense, even if the mistake was reasonable.

13           § 2654. AGGRAVATED HUMAN TRAFFICKING

14           (a) A person commits the crime of aggravated human trafficking if the  
15 person commits human trafficking for labor or sexual servitude under any of  
16 the following circumstances:

17           (1) The offense involves a victim of human trafficking who is a child  
18 under the age of 18;

19           (2) The person has previously been convicted of a violation of section  
20 2652 or 2653 of this title;

1           (3) The victim of human trafficking suffers serious bodily injury or  
2 death; or

3           (4) The actor commits the crime of human trafficking under  
4 circumstances which constitute the crime of sexual assault as defined in section  
5 3252 of this title, aggravated sexual assault as defined in section 3253 of this  
6 title, or aggravated sexual assault of a child as defined in section 3253a of this  
7 title.

8           (b) A person who violates this section shall be imprisoned not less than 20  
9 years and a maximum term of life or fined not more than \$100,000.00, or both.

10          (c) In a prosecution for a violation of this section, a mistake as to the  
11 victim's age shall not be a defense, even if the mistake was reasonable.

12          § 2655. PATRONIZING OR FACILITATING HUMAN TRAFFICKING

13          (a) No person shall knowingly:

14           (1) Permit a place, structure, or building owned by the person or under  
15 the person's control to be used for the purpose of human trafficking for labor  
16 servitude or sexual servitude;

17           (2) Receive or offer or agree to receive or offer a person into a place,  
18 structure, or building for the purpose of human trafficking for labor servitude  
19 or sexual servitude; or

1           (3) Permit a person to remain in a place, structure, building, or  
2           conveyance for the purpose of human trafficking for labor servitude or sexual  
3           servitude.

4           (b) A person who violates this section shall be imprisoned not more than  
5           two years or fined not more than \$25,000.00, or both.

6           § 2655a. SOLICITATION

7           (a) No person shall knowingly solicit a commercial sex act from a victim of  
8           human trafficking.

9           (b) A person who violates this section shall be imprisoned not more than  
10           two years or fined not more than \$25,000.00, or both.

11           § 2656. CRIMINAL LIABILITY OF BUSINESS ENTITIES

12           If a business entity, including a corporation, partnership, association, or any  
13           other legal entity, is convicted of violating this chapter, the court, in addition to  
14           any other applicable penalty, may order:

15           (1) The dissolution or reorganization of the business entity;

16           (2) The suspension or revocation of any license, permit, or prior  
17           approval granted to the entity by a state or local government body; or

18           (3) The surrender of its charter if the entity is organized under the laws  
19           of this state or the revocation of its certificate to conduct business in Vermont  
20           if the entity is not organized under the laws of this state.

1     § 2657. RESTITUTION

2           (a) A person convicted of a violation of this subchapter shall be ordered to  
3     pay restitution to the victim of human trafficking. In addition to any other loss  
4     identified, the restitution order shall compensate the victim of human  
5     trafficking for:

6           (1) Costs of medical and psychological treatment;

7           (2) Costs of physical and occupational therapy and rehabilitation;

8           (3) Costs of necessary transportation, temporary housing, and child care;

9           (4) Attorneys' fees and costs, including expert witness fees and  
10     expenses, and victim advocate fees;

11          (5) The value of any of the victim's property which was taken or  
12     destroyed by the defendant; and

13          (6) The greater of either:

14            (A) The gross income or value of the labor performed for the  
15     defendant by the victim of human trafficking; or

16            (B) The value of the labor performed by the victim of human  
17     trafficking as guaranteed under the minimum wage and overtime provisions of  
18     21 V.S.A. § 385.

19          (b) Restitution shall be paid to the victim promptly upon the conviction of  
20     the defendant.



1        (b) Notwithstanding subsection (a) of this section, no conveyance shall be  
2 forfeited:

3            (1) Which is used by a person as a common carrier in the transaction of  
4 business as a common carrier, unless the owner or other person in charge of  
5 such conveyance was a consenting party or privy to a violation of subchapter 1  
6 of this chapter;

7            (2) By reason of any act or omission of any person other than the owner  
8 while the conveyance was unlawfully in the possession of a person other than  
9 the owner in violation of the criminal laws of the United States, this state, or  
10 any other state; or

11           (3) By reason of the use or intended use of the conveyance in violation  
12 of subchapter 1 of this chapter by a person other than the owner, unless the  
13 owner knew or had reason to believe that the conveyance was used in that  
14 manner.

15 § 2666. SEIZURE

16           (a) The court may issue, at the request of the state ex parte, a preliminary  
17 order or process to seize or secure property for which forfeiture is sought and  
18 to provide for its custody. Process for seizure of such property shall issue only  
19 upon a showing of probable cause that the property is subject to forfeiture.  
20 Application therefor and issuance, execution, and return shall be subject to  
21 provisions of applicable law.

1        (b) Any property subject to forfeiture under this subchapter may be seized  
2 upon process. Seizure without process may be made when:

3            (1) The seizure is incident to an arrest with probable cause or a search  
4 under a valid search warrant;

5            (2) The property subject to seizure has been the subject of a prior  
6 judgment in favor of the state in a forfeiture proceeding under this subchapter;  
7 or

8            (3) The seizure is incident to a valid warrantless search.

9        (c) If property is seized without process under subdivision (b)(1) or (3) of  
10 this section, the state shall forthwith petition the court for a preliminary order  
11 or process under subsection (a) of this section.

12 § 2667. PETITION FOR FORFEITURE

13        (a) The state shall file a petition for forfeiture of any property seized under  
14 section 2668 of this title promptly but, in any case, not more than 14 days from  
15 the date the preliminary order or process is issued. The petition shall be filed  
16 in the superior court of the county in which the property is located or in any  
17 court with jurisdiction over a criminal proceeding related to the property.

18        (b) A copy of the petition shall be sent by certified mail to all persons  
19 named in the petition. In addition, the state shall cause notice of the petition to  
20 be published in a newspaper of general circulation in the state, as ordered by  
21 the court. The petition shall state:

1           (1) The facts upon which the forfeiture is requested, including a  
2           description of the property subject to forfeiture; and

3           (2) The names of the apparent owner or owners, lien holders who have  
4           properly recorded their interests, and any other person appearing to have an  
5           interest; and, in the case of a conveyance, the name of the person holding title,  
6           the registered owner, and the make, model, and year of the conveyance.

7           § 2668. FORFEITURE HEARING

8           (a) The court shall hold a hearing on the petition no less than 14 nor more  
9           than 30 days after notice. For good cause shown or on the court's own motion,  
10           the court may stay the forfeiture proceedings pending resolution of related  
11           criminal proceedings. If a person named in the petition is a defendant in a  
12           related criminal proceeding and the proceeding is dismissed or results in a  
13           judgment of acquittal, the petition shall be dismissed as to the defendant's  
14           interest in the property.

15           (b) A lien holder who has received notice of a forfeiture proceeding may  
16           intervene as a party. If the court finds that the lien holder has a valid, good  
17           faith interest in the property which is not held through a straw purchase, trust,  
18           or otherwise for the actual benefit of another, and that the lien holder did not at  
19           any time have knowledge or reason to believe that the property was being or  
20           would be used in violation of the law, the court upon forfeiture shall order  
21           compensation to the lien holder to the extent of the lien holder's interest.

1        (c) The proceeding shall be against the property and shall be deemed civil  
2        in nature. The state shall have the burden of proving all material facts by clear  
3        and convincing evidence.

4        (d) The court shall make findings of fact and conclusions of law and shall  
5        issue a final order if the burden of proof is met.

6        (e) Upon issuance of the court's final order, the state shall have a lien on all  
7        of the property subject to the order. The priority of the state's lien shall relate  
8        back to the date of seizure.

9        § 2669. MAINTENANCE

10       Law enforcement agencies seizing property under this subchapter shall  
11       ensure that the property is properly maintained. Equipment and conveyances  
12       seized shall be removed to an appropriate place for storage. Any monies,  
13       negotiable instruments, or securities seized shall, if practicable, be deposited in  
14       an interest-bearing account pending final disposition by the court, unless the  
15       seizing agency determines the property to be of an evidentiary nature and  
16       provides for its security in another manner. Any such deposit in an  
17       interest-bearing account shall only be accomplished pursuant to a court order  
18       directing the same, and the court shall have jurisdiction to enter such order or  
19       any other order directing interim disposition of the property pending final  
20       disposition by the court.

1     § 2670. COSTS AND DISPOSITION OF PROPERTY

2         (a) All costs incurred by the state in any proceeding under this subchapter  
3     shall be taxed to the defendant in any related criminal proceeding, provided he  
4     or she is convicted.

5         (b) All property forfeited to the state pursuant to this subchapter shall be  
6     sold at public auction as-is, subject to all liens and encumbrances.

7         (c) The sale proceeds from any public auction held pursuant to this section  
8     shall be distributed in the following order:

9             (1) First, to satisfy any outstanding, properly perfected liens upon the  
10     assets which have not otherwise been forfeited and which enjoy priority over  
11     the state's lien as described in section 2668 of this subchapter;

12             (2) Second, to any restitution order issued pursuant to section 2666 of  
13     this subchapter; and

14             (3) Third, to the victims' compensation special fund created in section  
15     5359 of this title.

16         (d) Nothing in this section shall prejudice the rights of the bona fide owner  
17     of any forfeited property, upon affirmative proof by such owner, that he or she  
18     had no express or implied knowledge that such property was being used or was  
19     intended to be used in connection with the crime for which the defendant was  
20     convicted. The bona fide owner shall be entitled to a return of the forfeited

1 property if he or she appears in court before adjudication of the forfeiture and  
2 establishes his or her right to such return.

3 § 2671. RECORDS

4 (a) A state law enforcement agency or department or other state agencies or  
5 departments which have custody of any property subject to forfeiture under  
6 this subchapter or which dispose of such property shall keep and maintain full  
7 and complete records, including the following:

8 (1) The source from whom the property was received;

9 (2) A description of the property;

10 (3) The value of the property;

11 (4) The location of the account and the amount of interest, if the  
12 property is deposited in an interest-bearing account;

13 (5) The authority under which the property was held, received, or  
14 disposed;

15 (6) The person to whom the property was delivered; and

16 (7) The date and manner of destruction or disposition of the property.

17 (b) The records shall be submitted to the state treasurer and shall be open to  
18 inspection pursuant to 1 V.S.A. §§ 315–320. Persons making final disposition  
19 or destruction of the property under court order shall report, under oath, to the  
20 court the exact circumstances of that disposition or destruction, and a copy of  
21 that report shall be sent to the state treasurer.



1           Resource Center Hotline at 1-888-373-7888 to access help and services.

2           The toll-free hotline is:

- 3           • Available 24 hours a day, 7 days a week
- 4           • Operated by a nonprofit, nongovernmental organization
- 5           • Anonymous and confidential
- 6           • Accessible in 170 languages
- 7           • Able to provide help, referral to services, training, and general
- 8           information.”

9           (c) The notice required by this section shall be printed in English, Spanish,  
10 and another language which is either spoken by an employee after the Vermont  
11 department of labor is notified of the presence of such language in the  
12 workplace, or which is deemed advisable by the appropriate licensing agency,  
13 after the Vermont department of labor is notified by such agency.

14           (d) A person who violates this section shall be fined not more than  
15 \$100.00.

16           § 2681. PRIVATE CAUSE OF ACTION

17           (a) A victim of human trafficking may bring an action against the offender  
18 in the civil division of the superior court for damages, injunctive relief,  
19 punitive damages in the case of a willful violation, and reasonable costs and  
20 attorney’s fees. Actual damages may include any loss for which restitution is  
21 available under section 2657 of this chapter.

1        (b) If the victim is deceased or otherwise unable to represent himself or  
2        herself, the victim may be represented by a legal guardian, family member, or  
3        other representative appointed by the court.

4        (c) In a civil action brought under this section, the alleged consent of the  
5        victim and evidence of the victim's prior sexual conduct are irrelevant and  
6        shall not be admitted except as necessary to prove the allegations of the  
7        complaint.

8        (d) A civil action brought under this section may be commenced at any  
9        time after the commission of the offense.

10       § 2682. SAFE HARBOR

11       (a) A victim of human trafficking is not criminally liable for any sexual act,  
12       sexual conduct, sexually explicit performance, or an act of prostitution  
13       committed as a direct result of or incident to being a victim of human  
14       trafficking. If the victim was under 18 years of age at the time of the offense,  
15       the department for children and families shall respond to this person as a  
16       subject of a child protection matter.

17       (b) Duress or coercion may be used as an affirmative defense if a victim of  
18       human trafficking is prosecuted for any other offense resulting from acts  
19       performed while being trafficked.

1     § 2683. CONFIDENTIALITY OF VICTIM IDENTITY

2         In a prosecution for a violation of this chapter, the identity of the victim and  
3     the victim's family shall be deemed confidential and shall not be released to  
4     the public.

5     § 2684. DEPARTMENT FOR CHILDREN AND FAMILIES; PROTOCOL

6         The Vermont department for children and families shall develop a statewide  
7     protocol for the interplay between the immunity provisions for minor victims  
8     of human trafficking established by this chapter and other existing child  
9     protection statutes. The protocol shall address the use of the child protection  
10    registry maintained by the Vermont department for children and families to  
11    record adult convictions for violations of this chapter.

12    § 2685. SERVICES FOR VICTIMS OF HUMAN TRAFFICKING:

13             IMMIGRATION ASSISTANCE

14             (a) Services for victims of human trafficking.

15             (1) The Vermont center for crime victim services may coordinate with  
16    and assist social service providers, victim service providers, state agencies, law  
17    enforcement agencies, state's attorneys' offices, the office of the attorney  
18    general, and other agencies and nongovernmental organizations as necessary to  
19    develop a statewide protocol to provide services for victims of human  
20    trafficking in Vermont. The protocol may include a public awareness and  
21    education campaign.

1           (2) The Vermont center for crime victim services may enter into  
2           contracts with individuals and nongovernmental organizations in order to  
3           develop a statewide protocol and to coordinate services to victims of human  
4           trafficking, insofar as funds are available for that purpose. Such services may  
5           include:

6                   (A) Case management;

7                   (B) Emergency temporary housing;

8                   (C) Health care;

9                   (D) Mental health counseling;

10                  (E) Drug addiction screening and treatment;

11                  (F) Language interpretation and translation services;

12                  (G) English language instruction;

13                  (H) Job training and placement assistance;

14                  (I) Post-employment services for job retention; and

15                  (J) Services to assist the victim of human trafficking and any of his or  
16           her family members to establish a permanent residence in Vermont or the  
17           United States.

18           (3) Nothing in this section precludes the Vermont center for crime  
19           victim services or any local social services organization from providing  
20           victims of human trafficking in Vermont with any benefits or services for  
21           which they may otherwise be eligible.

1           (b) Classification of victims of human trafficking.

2           (1) As soon as practicable after the initial encounter with a person who  
3 reasonably appears to a law enforcement agency, state's attorneys' office, or  
4 the office of the attorney general to be a victim of human trafficking, such  
5 agency or office shall notify the victim's compensation program at the center  
6 for crime victim services that such person may be eligible for services under  
7 this chapter.

8           (2) The referring agency or office shall make a preliminary assessment  
9 of whether such victim or possible victim of human trafficking appears to meet  
10 the criteria for certification as a victim of a severe form of trafficking in  
11 persons as defined in section 7105 of Title 22 of the United States Code  
12 (Trafficking Victims Protection Act) or appears to be otherwise eligible for any  
13 federal, state, or local benefits and services. If it is determined that the victim  
14 appears to meet such criteria, the agency shall report the finding to the victim  
15 and shall refer the victim to services available, including legal service  
16 providers. If the possible victim is under the age of 18 or is a vulnerable adult,  
17 the agency or office shall also notify the department for children and families  
18 or the office of adult protective services in the department of disabilities,  
19 aging, and independent living.

20           (c) Law enforcement assistance with respect to immigration. After the  
21 referring agency or office makes a preliminary assessment that a victim of

1 human trafficking or possible victim of human trafficking appears to meet the  
2 criteria for certification as a victim of a severe form of trafficking in persons,  
3 as defined in section 7105 of Title 22 of the United States Code, and upon the  
4 request of such victim, the referring agency or office shall provide the victim  
5 of human trafficking with a completed and executed United States citizenship  
6 and immigration service (USCIS) form I-194 supplement B declaration of law  
7 enforcement officer for victim of human trafficking in persons and a USCIS  
8 form I-918, supplement B, U nonimmigrant status certification. These  
9 endorsements shall be completed by the certifying officer in accordance with  
10 the forms' instructions and applicable rules and regulations. The victim of  
11 human trafficking may choose which form to have the certifying officer  
12 complete.

13 Sec. 2. 4 V.S.A. § 32 is amended to read:

14 § 32. JURISDICTION; CRIMINAL DIVISION

15 \* \* \*

16 (c) The criminal division shall have jurisdiction of the following civil  
17 actions:

18 \* \* \*

19 (14) Human trafficking forfeiture proceedings under subchapter 2 of  
20 chapter 60 of Title 13.

1 Sec. 3. 13 V.S.A. § 4501 is amended to read:

2 § 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN FELONIES

3 (a) Prosecutions for aggravated sexual assault, aggravated sexual assault of  
4 a child, human trafficking for labor servitude, human trafficking for sexual  
5 servitude, aggravated human trafficking, murder, arson causing death, and  
6 kidnapping may be commenced at any time after the commission of the  
7 offense.

8 \* \* \*

9 Sec. 4. 13 V.S.A. § 9 is amended to read:

10 § 9. ATTEMPTS

11 (a) A person who attempts to commit an offense and does an act toward the  
12 commission thereof, but by reason of being interrupted or prevented fails in the  
13 execution of the same, shall be punished as herein provided unless other  
14 express provision is made by law for the punishment of the attempt. If the  
15 offense attempted to be committed is murder, aggravated murder, kidnapping,  
16 arson causing death, human trafficking for labor servitude, human trafficking  
17 for sexual servitude, aggravated sexual assault, or sexual assault, a person shall  
18 be punished as the offense attempted to be committed is by law punishable.

19 \* \* \*

1 Sec. 5. 13 V.S.A. § 5301 is amended to read:

2 § 5301. DEFINITIONS

3 \* \* \*

4 (7) For the purpose of this chapter, “listed crime” means any of the  
5 following offenses:

6 \* \* \*

7 (CC) aggravated sexual assault of a child in violation of section  
8 3253a of this title; ~~and~~

9 (DD) sex trafficking of children or sex trafficking by force, fraud, or  
10 coercion as defined in section 2635a of this title;

11 (EE) human trafficking for sexual servitude as defined in section  
12 2653 of this title; and

13 (FF) aggravated human trafficking as defined in section 2654 of this  
14 title.

15 Sec. 6. EFFECTIVE DATE

16 This act shall take effect on July 1, 2011.