

1 H.465

2 Introduced by Representatives Mook of Bennington and Campion of

3 Bennington

4 Referred to Committee on

5 Date:

6 Subject: Crimes and criminal procedure; lewd and lascivious conduct with a

7 child; bail; child abuse and neglect; mandatory reporters

8 Statement of purpose: This bill proposes to categorize lewd and lascivious

9 conduct with a child as a violent act for which bail may be denied if the

10 evidence of guilt is great and the court finds, based upon clear and convincing

11 evidence, that the person's release poses a substantial threat of physical

12 violence to any person and that no condition or combination of conditions of

13 release will reasonably prevent the physical violence; and to require

14 independent schools to comply with the same training as school districts with

15 respect to the prevention, identification, and reporting of child sexual abuse

16 and sexual violence, and to add headmasters of independent schools to the list

17 of mandatory reporters of child abuse and neglect.

18 An act relating to bail in cases of lewd and lascivious conduct with a child
19 and to the inclusion of headmasters of independent schools as mandatory
20 reporters of child abuse and neglect

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

1 Sec. 1. 13 V.S.A. § 2602(f) is added to read:

2 (f) Conduct constituting the offense of lewd and lascivious conduct with a
3 child under this section shall be considered a violent act for the purpose of
4 determining bail.

5 Sec. 2. 16 V.S.A. § 563a is amended to read:

6 § 563a. ~~SCHOOL BOARDS~~; PREVENTION, IDENTIFICATION, AND
7 REPORTING OF CHILD SEXUAL ABUSE AND SEXUAL
8 VIOLENCE

9 ~~The~~ Each school board of a school district and governing body of an
10 approved or recognized independent school shall ensure that adults employed
11 in the schools ~~maintained by the district~~ within its jurisdiction receive
12 orientation, information, or instruction on the prevention, identification, and
13 reporting of child sexual abuse, as defined in 33 V.S.A. § 4912(8), and sexual
14 violence. This shall include information regarding the signs and symptoms of
15 sexual abuse, sexual violence, grooming processes, recognizing the dangers of
16 child sexual abuse in and close to the home, and other predatory behaviors of
17 sex offenders. The school board or governing body shall also provide
18 opportunities for parents, guardians, and other interested persons to receive the
19 same information. The department of education and the agency of human
20 services shall provide materials and technical support to any school board or
21 governing body that requests assistance in implementing this section.

1 Sec. 3. 33 V.S.A. § 4913(a) is amended to read:

2 (a) Any physician, surgeon, osteopath, chiropractor, or physician's assistant
3 licensed, certified, or registered under the provisions of Title 26, any resident
4 physician, intern, or any hospital administrator in any hospital in this state,
5 whether or not so registered, and any registered nurse, licensed practical nurse,
6 medical examiner, emergency medical personnel as defined in 24 V.S.A.
7 § 2651(6), dentist, psychologist, pharmacist, any other health care provider,
8 child care worker, school superintendent, headmaster of an approved or
9 recognized independent school as defined in 16 V.S.A. § 11, school teacher,
10 school librarian, school principal, school guidance counselor, and any other
11 individual who is regularly employed by a school district or an approved or
12 recognized independent school, or who is contracted and paid by a school
13 district or an approved or recognized independent school to provide student
14 services for five or more hours per week during the school year, mental health
15 professional, social worker, probation officer, any employee, contractor, and
16 grantee of the agency of human services who have contact with clients, police
17 officer, camp owner, camp administrator, camp counselor, or member of the
18 clergy who has reasonable cause to believe that any child has been abused or
19 neglected shall report or cause a report to be made in accordance with the
20 provisions of section 4914 of this title within 24 hours. As used in this

1 subsection, “camp” includes any residential or nonresidential recreational
2 program.

3 Sec. 4. EFFECTIVE DATES

4 Sec. 1 of this act shall take effect on July 1, 2012, and the remainder of the
5 act shall take effect on passage.