

# House Calendar

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Wednesday, February 16, 2011

43rd DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 P.M.

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**ACTION CALENDAR**

**Third Reading**

**H. 88**

An act relating to uniform child custody jurisdiction and enforcement

**J.R.S. 16**

Joint resolution requesting that penalties under the No Child Left Behind Act be suspended until the Elementary and Secondary Education Act is reauthorized in a revised form

**Favorable with amendment**

**H. 45**

An act relating to the Winhall school district's budget

**Rep. Crawford of Burke**, for the Committee on **Education**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. § 5401(12) is amended to read:

(12) "Excess spending" means:

(A) the per equalized pupil amount of:

(i) the district's education spending as defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a capital construction reserve fund under 24 V.S.A. § 2804(b); minus

\* \* \*

(iv) a budget deficit in a district that pays tuition to a public school or an approved independent school, or both for all of its students in one or more grades in any year in which the deficit is solely attributable to tuition paid for one or more new students who moved into the district after the budget for the year creating the deficit was passed;

(B) in excess of 125 percent of the statewide average district education spending per equalized pupil in the prior fiscal year, as determined by the commissioner of education on or before November 15 of each year based on the passed budgets to date.

Sec. 2. EFFECTIVE DATE; SUNSET

This act shall take effect on passage and shall apply to tax rates calculated

for fiscal year 2012 school budgets and after.

and that after passage the title of the bill be amended to read: “An act relating to excluding tuition deficits from the definition of excess spending”

( **Committee Vote: 11-0-0**)

**Rep. Greshin of Warren**, for the Committee on **Ways and Means**, recommends the bill ought to pass when amended as recommended by the Committee on **Education**.

(**Committee Vote: 9-0-2**)

**Rep. Pearce of Richford**, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **Education**.

(**Committee Vote: 11-0-0**)

## **H. 52**

An act relating to the definition of poultry products

**Rep. Conquest of Newbury**, for the Committee on **Agriculture**, recommends the bill be amended as follows:

by adding a new Sec. 2 to read as follows:

Sec. 2. 6 V.S.A. § 3305(15) is amended to read:

(15) establish by rule the method for providing voluntary inspection, and withdrawal of inspection, of exotic animals, wild game, game birds, red deer, and cervidae. These rules may also provide for the inspection of meat and meat food products derived from those animals. The secretary shall provide voluntary inspection of bison and cervidae produced in Vermont, including the inspection of meat and meat food products processed in Vermont derived from bison and cervidae, wherever produced. For such inspection the secretary shall charge a fee equal to the rate for reimbursable inspection services provided under the Vermont meat and poultry inspection program;

and by renumbering the subsequent section numbers of the bill to be numerically correct

( **Committee Vote: 10-0-1**)

## H. 114

An act relating to electrical installations

**Rep. Stevens of Waterbury**, for the Committee on **General, Housing and Military Affairs**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. § 894 is amended to read:

§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER  
EMERGENCY DISCONNECTION

(a) A new electrical installation in or on a complex structure; or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected, to a source of electrical energy unless prior to such connection, either a temporary or a permanent energizing permit is issued for that installation by the commissioner or an electrical inspector.

(b) An existing electrical installation in any structure, including a single-family owner-occupied freestanding residence, that was disconnected as the result of an emergency that affects the internal electrical circuits, shall not be reconnected to a source of electrical energy until the electrical installation has been inspected and determined to be safe by a licensed journeyman or licensed master electrician.

(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.

Sec. 2. 26 V.S.A. § 904(a) is amended to read:

(a) To be eligible for licensure as a type-S journeyman an applicant shall:

(1) complete an accredited training and experience program recognized by the board; or

(2) have had training and experience, within or without this state, acceptable to the board; and

(3) pass an examination to the satisfaction of the board in one or more of the following fields:

(A) Automatic gas or oil heating;

(B) Outdoor advertising;

(C) Refrigeration or air conditioning;

- (D) Appliance and motor repairs;
- (E) Well pumps;
- (F) Farm equipment;
- (G) Renewable energy systems for one- and two-family dwellings;
- (H) Any miscellaneous specified area of specialized competence.

Sec. 3. 26 V.S.A. § 910 is amended to read:

§ 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on or about equipment or premises, which are owned or leased by the operator of any industrial or manufacturing plant, if the work is done under the supervision of an electrical engineer or master electrician in the employ of the operator;

(2) Installation in laboratories of exposed electrical wiring for experimental purposes only;

(3) Any electrical work by ~~an~~ the owner ~~or his or her regular employees~~ in the ~~owner's~~ owner-occupied freestanding single unit residence, ~~in~~ and outbuildings accessory to ~~such~~ the freestanding single unit residence or any structure on owner-occupied farms;

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made, is to be used as a "complex structure";

(5) Electrical work performed by an electrician's helper under the direct supervision of a person who holds an appropriate license issued under this chapter;

~~(6) Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units.~~

~~(7)~~ Installation of solar electric modules and racking on complex structures to the point of connection to field-fabricated wiring and erection of net metered wind turbines.

Sec. 4. EFFECTIVE DATE; TRANSITIONAL PROVISIONS

(a) This act shall take effect on passage.

(b) In order to provide time for the electrical licensing board to develop

and conduct a test for a type-S journeyman's license for renewable energy installation and for renewable energy installers to complete the licensing requirements, a license shall not be required for renewable energy installations until 12 months after the electrical licensing board adopts the test and licensing procedure.

( Committee Vote: 8-0-0)

### H. 153

An act relating to human trafficking

**Rep. Grad of Moretown**, for the Committee on **Judiciary**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

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

#### CHAPTER 60. HUMAN TRAFFICKING

##### Subchapter 1. Criminal Acts

##### § 2651. DEFINITIONS

As used in this subchapter:

(1) “Blackmail” means the extortion of money, labor, commercial sexual activity, or anything of value from a person through use of a threat to expose a secret or publicize an asserted fact, whether true or false, that would tend to subject the person to hatred, contempt, ridicule, or prosecution.

(2) “Coercion” means:

(A) threat of serious harm, including physical or financial harm, to, or physical restraint against, any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious bodily harm or financial harm to, or physical restraint against, any person;

(C) the abuse or threatened abuse of law or the legal process;

(D) withholding, destroying, or confiscating any actual or purported passport, immigration document, or any other government identification document of another person;

(E) providing a drug, including alcohol, to another person with the intent to impair the person's judgment or maintain a state of chemical dependence;

(F) wrongfully taking, obtaining, or withholding any property of

another person;

(G) blackmail;

(H) asserting control over the finances of another person;

(I) debt bondage; or

(J) withholding or threatening to withhold food or medication.

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

(4) “Debt bondage” means a condition or arrangement in which a person requires that a debtor or another person under the control of a debtor perform labor, services, sexual acts, sexual conduct, or a sexually explicit performance in order to retire, repay, or service a real or purported debt which the person has caused with the intent to defraud the debtor.

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

(6) “Human trafficking” means to subject a person to a violation of section 2652 of this title.

(7) “Labor servitude” means labor or services performed or provided by a person which are induced or maintained through force, fraud, or coercion. Labor servitude shall not include labor or services performed by family members in a family business or commercial establishment.

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

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

(10) “Sexual conduct” shall have the same meaning as in subdivision 2821(2) of this title.

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

(A) Depicts a sexual act or sexual conduct;

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

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

(12) “Venture” means any group of two or more individuals associated

in fact, whether or not a legal entity.

(13) “Victim of human trafficking” means a victim of a violation of section 2652 of this title.

#### § 2652. HUMAN TRAFFICKING

(a) No person shall knowingly:

(1) recruit, entice, harbor, transport, provide, or obtain by any means a person under the age of 18 for the purpose of having the person engage in a commercial sex act;

(2) recruit, entice, harbor, transport, provide, or obtain a person through force, fraud, or coercion for the purpose of having the person engage in a commercial sex act;

(3) compel a person through force, fraud, or coercion to engage in a commercial sex act;

(4) benefit financially or by receiving anything of value from participation in a venture, knowing that force, fraud, or coercion was or will be used to compel any person to engage in a commercial sex act as part of the venture;

(5) subject a person to labor servitude;

(6) recruit, entice, harbor, transport, provide, or obtain a person for the purpose of subjecting the person to labor servitude; or

(7) benefit financially or by receiving anything of value from participation in a venture, knowing that a person will be subject to labor servitude as part of the venture.

(b) A person who violates subsection (a) of this section shall be imprisoned for a term up to and including life or fined not more than \$25,000.00 or both.

(c)(1) A person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title shall not be found in violation of or be the subject of a delinquency petition based on chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title for any conduct committed as a victim of sex trafficking.

(2) If a person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title is prosecuted for any offense or is the subject of any delinquency petition, other than a violation of chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title, which arises out of the sex trafficking or benefits the sex trafficker, the person may raise as an affirmative defense that he or she committed the offense as a result of force,



fraud, or coercion by a sex trafficker.

(d) In a prosecution for a violation of this section, the victim's alleged consent to the human trafficking is immaterial and shall not be admitted.

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

(f) If a person who is a victim of human trafficking is under 18 years of age at the time of the offense, the state may treat the person as the subject of a child in need of care or supervision proceeding.

#### § 2653. AGGRAVATED HUMAN TRAFFICKING

(a) A person commits the crime of aggravated human trafficking if the person commits human trafficking in violation of section 2652 of this title under any of the following circumstances:

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

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

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

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

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

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

(d) The provisions of this section do not limit or restrict the prosecution for murder or manslaughter.

#### § 2654. PATRONIZING OR FACILITATING HUMAN TRAFFICKING

(a) No person shall knowingly:

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

(2) Receive or offer or agree to receive or offer a person into a place, structure, or building for the purpose of human trafficking; or

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

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

#### § 2655. SOLICITATION

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

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

#### § 2656. HUMAN TRAFFICKING BY A BUSINESS ENTITY;

##### DISSOLUTION

If a business entity, including a corporation, partnership, association, or any other legal entity, is convicted of violating this chapter, the attorney general may commence a proceeding in the civil division of the superior court to dissolve the entity pursuant to 11A V.S.A. § 14.30-14.33.

#### § 2657. RESTITUTION

(a) A person convicted of a violation of this subchapter shall be ordered to pay restitution to the victim pursuant to section 7043 of this title.

(b) If the victim of human trafficking to whom restitution has been ordered dies before restitution is paid, any restitution ordered shall be paid to the victim's heir or legal representative.

(c) The return of the victim of human trafficking to his or her home country or other absence of the victim from the jurisdiction shall not limit the victim's right to receive restitution pursuant to this section.

#### Subchapter 2. Resource Guide Posting; Private Cause of Action for Victims; Victim Protection

#### § 2661. RESOURCE GUIDE POSTING

(a) A notice offering help to victims of human trafficking shall be accessible on the official website of the Vermont department of labor and may be posted in a prominent and accessible location in workplaces.

(b) The notice should provide contact information for at least one local law enforcement agency, and provide the following information regarding the National Human Trafficking Resource Center (NHTRC) hotline as follows:

“If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work,

or any other activity – call the toll-free National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. The toll-free hotline is:

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

(c) The notice described in this section should be made available in English, Spanish, and, if requested, another language.

#### § 2662. PRIVATE CAUSE OF ACTION

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

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

(c) In a civil action brought under this section, the victim’s alleged consent to the human trafficking is immaterial and shall not be admitted.

#### § 2663. CLASSIFICATION OF VICTIMS; IMMIGRATION ASSISTANCE

(a) Classification of victims of human trafficking. As soon as practicable after the initial encounter with a person who reasonably appears to a law enforcement agency, state’s attorneys’ office, or the office of the attorney general to be a victim of human trafficking, such agency or office shall:

(1) notify the victim’s compensation program at the center for crime victim services that such person may be eligible for services under this chapter; and

(2) make a preliminary assessment of whether such victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking in persons as defined in section 7105 of Title 22 of the United States Code (Trafficking Victims Protection Act) or appears to be otherwise eligible for any federal, state, or local benefits and

services. If it is determined that the victim appears to meet such criteria, the agency shall report the finding to the victim and shall refer the victim to services available, including legal service providers. If the possible victim is under the age of 18 or is a vulnerable adult, the agency or office shall also notify the family services division of the department for children and families or the office of adult protective services in the department of disabilities, aging, and independent living.

(b) Law enforcement assistance with respect to immigration. After the referring agency or office makes a preliminary assessment that a victim of human trafficking or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking in persons, as defined in section 7105 of Title 22 of the United States Code, and upon the request of such victim, the referring agency or office shall provide the victim of human trafficking with a completed and executed United States citizenship and immigration service (USCIS) form I-914 supplement B declaration of law enforcement officer for victim of human trafficking in persons, or a USCIS form I-918, supplement B, U nonimmigrant status certification, or both. These endorsements shall be completed by the certifying officer in accordance with the forms' instructions and applicable rules and regulations. The victim of human trafficking may choose which form to have the certifying officer complete.

## Sec. 2. DEPARTMENT FOR CHILDREN AND FAMILIES; PROTOCOL; REPORT

The Vermont department for children and families shall develop a statewide protocol for the interplay between the immunity provisions for minor victims of human trafficking established by this chapter and other existing child protection statutes. The protocol shall address the use of the child protection registry maintained by the department to record adult convictions for violations of this chapter. The department shall report the protocol developed pursuant to this section to the senate and house committees on judiciary, the house committee on human services, and the senate committee on health and welfare no later than January 15, 2012.

## Sec. 3. SERVICES FOR VICTIMS OF HUMAN TRAFFICKING

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

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

(A) Case management;

(B) Emergency temporary housing;

(C) Health care;

(D) Mental health counseling;

(E) Drug addiction screening and treatment;

(F) Language interpretation and translation services;

(G) English language instruction;

(H) Job training and placement assistance;

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

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

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

Sec. 4. 13 V.S.A. § 4501 is amended to read:

#### § 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN FELONIES

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

\* \* \*

Sec. 5. 13 V.S.A. § 9 is amended to read:

#### § 9. ATTEMPTS

(a) A person who attempts to commit an offense and does an act toward the commission thereof, but by reason of being interrupted or prevented fails in the execution of the same, shall be punished as herein provided unless other express provision is made by law for the punishment of the attempt. If the offense attempted to be committed is murder, aggravated murder, kidnapping,

arson causing death, human trafficking, aggravated human trafficking, aggravated sexual assault, or sexual assault, a person shall be punished as the offense attempted to be committed is by law punishable.

\* \* \*

Sec. 6. 13 V.S.A. § 5301 is amended to read:

§ 5301. DEFINITIONS

\* \* \*

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

\* \* \*

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

(DD) ~~sex trafficking of children or sex trafficking by force, fraud, or coercion as defined in section 2635a of this title~~ human trafficking in violation of section 2652 of this title; and

(EE) aggravated human trafficking in violation of section 2653 of this title.

Sec. 7. 13 V.S.A. § 7043 is amended to read:

§ 7043. RESTITUTION

(a)(1) Restitution shall be considered in every case in which a victim of a crime, as defined in subdivision 5301(4) of this title, has suffered a material loss.

(2) For purposes of this section, “material loss” means uninsured property loss, uninsured out-of-pocket monetary loss, uninsured lost wages, and uninsured medical expenses.

(3) In cases where restitution is ordered to the victim as a result of a human trafficking conviction under chapter 60 of this title, “material loss” shall also mean:

(A) attorney’s fees and costs; and

(B) the greater of either:

(i) the gross income or value of the labor performed for the offender by the victim; or

(ii) the value of the labor performed by the victim as guaranteed by the minimum wage and overtime provisions of 21 V.S.A. § 385.

\* \* \*

Sec. 8. 13 V.S.A. § 3255 is amended to read:

§ 3255. EVIDENCE

(a) In a prosecution for a crime defined in this chapter and in sections 2601 and 2602 of this title, for human trafficking or aggravated human trafficking under chapter 60 of this title, or for abuse of ~~an~~ a vulnerable adult under chapter 28 of this title or chapter 69 of Title 33:

(1) Neither opinion evidence of, nor evidence of the reputation of the complaining witness' sexual conduct shall be admitted.

(2) Evidence shall be required as it is for all other criminal offenses and additional corroborative evidence heretofore set forth by case law regarding sexual assault shall no longer be required.

(3) Evidence of prior sexual conduct of the complaining witness shall not be admitted; provided, however, where it bears on the credibility of the complaining witness or it is material to a fact at issue and its probative value outweighs its private character, the court may admit:

(A) Evidence of the complaining witness' past sexual conduct with the defendant;

(B) Evidence of specific instances of the complaining witness' sexual conduct showing the source of origin of semen, pregnancy or disease;

(C) Evidence of specific instances of the complaining witness' past false allegations of violations of this chapter.

(b) In a prosecution for a crime defined in this chapter and in a prosecution pursuant to sections 2601 and 2602 of this title, for human trafficking or aggravated human trafficking under chapter 60 of this title, or for abuse or exploitation of ~~an~~ a vulnerable adult under subsection 6913(b) of Title 33, if a defendant proposes to offer evidence described in subdivision (a)(3) of this section, the defendant shall prior to the introduction of such evidence file written notice of intent to introduce that evidence, and the court shall order an in camera hearing to determine its admissibility. All objections to materiality, credibility and probative value shall be stated on the record by the prosecutor at the in camera hearing, and the court shall rule on the objections forthwith, and prior to the taking of any other evidence.

(c) In a prosecution for a crime defined in this chapter and in sections 2601 and 2602 of this title or for human trafficking or aggravated human trafficking under chapter 60 of this title, if the defendant takes the deposition of the complaining witness, questions concerning the evidence described in

subdivisions (a)(1) and (3) of this section shall not be permitted.

Sec. 9. 13 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

\* \* \*

(10) “Sex offender” means:

(A) A person who is convicted in any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court of any of the following offenses:

(i) sexual assault as defined in 13 V.S.A. § 3252.

(ii) aggravated sexual assault as defined in 13 V.S.A. § 3253.

(iii) lewd and lascivious conduct as defined in 13 V.S.A. § 2601.

(iv) sexual abuse of a vulnerable adult as defined in 13 V.S.A. § 1379.

(v) second or subsequent conviction for voyeurism as defined in 13 V.S.A. § 2605(b) or (c).

(vi) kidnapping with intent to commit sexual assault as defined in 13 V.S.A. § 2405(a)(1)(D).

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

(viii) human trafficking in violation of subdivisions 2652(a)(1)-(4) of this title;

(ix) aggravated human trafficking in violation of subdivision 2653(a)(4) of this title; and

(x) a federal conviction in federal court for any of the following offenses:

(I) Sex trafficking of children as defined in 18 U.S.C. § 1591.

(II) Aggravated sexual abuse as defined in 18 U.S.C. § 2241.

(III) Sexual abuse as defined in 18 U.S.C. § 2242.

(IV) Sexual abuse of a minor or ward as defined in 18 U.S.C. § 2243.

(V) Abusive sexual contact as defined in 18 U.S.C. § 2244.

(VI) Offenses resulting in death as defined in 18 U.S.C. § 2245.



(VII) Sexual exploitation of children as defined in 18 U.S.C. § 2251.

(VIII) Selling or buying of children as defined in 18 U.S.C. § 2251A.

(IX) Material involving the sexual exploitation of minors as defined in 18 U.S.C. § 2252.

(X) Material containing child pornography as defined in 18 U.S.C. § 2252A.

(XI) Production of sexually explicit depictions of a minor for import into the United States as defined in 18 U.S.C. § 2260.

(XII) Transportation of a minor for illegal sexual activity as defined in 18 U.S.C. § 2421.

(XIII) Coercion and enticement of a minor for illegal sexual activity as defined in 18 U.S.C. § 2422.

(XIV) Transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places as defined in 18 U.S.C. § 2423.

(XV) Transmitting information about a minor to further criminal sexual conduct as defined in 18 U.S.C. § 2425.

(XVI) Trafficking in persons as defined in 18 U.S.C. sections 2251–2252(a), 2260, or 2421–2423 if the violation included sexual abuse, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse.

~~(ix)~~(xi) an attempt to commit any offense listed in this subdivision (A).

Sec. 10. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

(a) Notwithstanding 20 V.S.A. §§ 2056a-2056e, the department shall electronically post information on the Internet in accordance with subsection (b) of this section regarding the following sex offenders, upon their release from confinement:

(1) Sex offenders who have been convicted of:

(A) Aggravated sexual assault of a child (13 V.S.A. § 3253a).

(B) Aggravated sexual assault (13 V.S.A. § 3253).

- (C) Sexual assault (13 V.S.A. § 3252).
- (D) Kidnapping with intent to commit sexual assault (13 V.S.A. § 2405(a)(1)(D)).
- (E) Lewd or lascivious conduct with child (13 V.S.A. § 2602).
- (F) A second or subsequent conviction for voyeurism (13 V.S.A. § 2605(b) or (c)).
- (G) Slave traffic if a registrable offense under subdivision 5401(10)(B)(iv) of this title (13 V.S.A. § 2635).
- (H) Sex trafficking of children or sex trafficking by force, fraud, or coercion (13 V.S.A. § 2635a).
- (I) Sexual exploitation of a minor (13 V.S.A. § 3258(b)).
- (J) Any offense regarding the sexual exploitation of children (chapter 64 of this title).
- (K) Sexual abuse of a vulnerable adult (13 V.S.A. § 1379).
- (L) Human trafficking as defined in subdivisions 2652(a)(1)–(4) of this title.
- (M) Aggravated human trafficking as defined in subdivision 2653(a)(4) of this title.
- (N) A federal conviction in federal court for any of the following offenses:
  - (i) Sex trafficking of children as defined in 18 U.S.C. § 1591.
  - (ii) Aggravated sexual abuse as defined in 18 U.S.C. § 2241.
  - (iii) Sexual abuse as defined in 18 U.S.C. § 2242.
  - (iv) Sexual abuse of a minor or ward as defined in 18 U.S.C. § 2243.
  - (v) Abusive sexual contact as defined in 18 U.S.C. § 2244.
  - (vi) Offenses resulting in death as defined in 18 U.S.C. § 2245.
  - (vii) Sexual exploitation of children as defined in 18 U.S.C. § 2251.
  - (viii) Selling or buying of children as defined in 18 U.S.C. § 2251A.
  - (ix) Material involving the sexual exploitation of minors as defined in 18 U.S.C. § 2252.

(x) Material containing child pornography as defined in 18 U.S.C. § 2252A.

(xi) Production of sexually explicit depictions of a minor for import into the United States as defined in 18 U.S.C. § 2260.

(xii) Transportation of a minor for illegal sexual activity as defined in 18 U.S.C. § 2421.

(xiii) Coercion and enticement of a minor for illegal sexual activity as defined in 18 U.S.C. § 2422.

(xiv) Transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places as defined in 18 U.S.C. § 2423.

(xv) Transmitting information about a minor to further criminal sexual conduct as defined in 18 U.S.C. § 2425.

(xvi) Trafficking in persons as defined in 18 U.S.C. sections 2251–2252(a), 2260, or 2421–2423 if the violation included sexual abuse, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse.

(O) An attempt to commit any offense listed in this subdivision (a)(1).

\* \* \*

#### Sec. 11. REPEAL

13 V.S.A. § 2635a (sex trafficking of children; sex trafficking of any person by force, fraud, or coercion) is repealed.

#### Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2011.

( **Committee Vote: 9-1-1**)

### **NOTICE CALENDAR**

#### **Committee Bill for Second Reading**

#### **H. 236**

An act relating to limitation of prosecutions for sexual abuse of a vulnerable adult.

**(Rep. Martin of Springfield will speak for the Committee on Judiciary.)**

### **Public Hearings**

February, 22, 2011 - Room 10 - 2:30 – 4:30 PM - - House Committee on Appropriations - Governor's Proposed FY2012 State Budget

February 23, 2011 - Room 11 - 9:00 – 11:00 A.M. - - House Committee on Appropriations - Governor's Proposed FY 2012 State Budget

Thursday, February 17, 2011 - Room 11 - 7:00 P.M. - Joint Judicial Retention Committee - Retention of Judges

Thursday, February 24, 2011 - Room 11 - 7:00 P.M. - Joint Judicial Retention Committee - Retention of Judges

Wednesday, February 16, 2011 - 5:30 - 7:30 PM - Senate Committee on Education - Pre-K Caps removal

### **Information Notice**

#### **HOUSE BILL INTRODUCTION DEADLINES**

To All House Members:

Request Deadline - All requests for introduction of bills drafted in *standard* form must be submitted to the Legislative Council by Monday, January 31, 2011.

During the first year of the biennium, a member may request introduction of a bill drafted in *short* form and submitted to the Legislative Council anytime during the session.

Introduction Deadline - Except with prior consent of the Committee on Rules, all bills drafted in standard form, shall be introduced by February 28, 2011.

During the first year of the biennium Committee bills may be introduced at anytime.

### **JOINT ASSEMBLY**

**Thursday, February 17, 2011 – 10:30 A.M. – House Chamber** –Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont, and Vermont and State Agricultural College.

Candidates for the positions of Sergeant at Arms and of Adjutant and Inspector General, and legislative candidates for UVM trustees must notify the Secretary of State **in writing** of their candidacies not later than Thursday, February 10, 2011, by 4:30 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

**Do not use pink mail** for the delivery of notifications to the Secretary of State. Hand delivery is the best method to insure receipt of the notification.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

#### INFORMATION NOTICE

The following items were recently received by the Joint Fiscal Committee:

**JFO #2483** — \$194,800 grant from the U.S. Department of Housing and Urban Development (HUD) to the Vermont Department of Economic, Housing and Community Development. These funds will be used to support repair and restoration work on 13 landmark historic buildings around the state.

*[JFO received 2/09/11]*

**JFO #2484** — \$561,915 grant from the U.S. Department of Health and Human Services to the Vermont Health. These funds will be used to establish an evidence-based nurse home visiting program for families with young children who are identified to be “at risk” by pre-set parameters. This grant is awarded under the Affordable Care Act.

*[JFO received 2/09/11]*

**JFO #2485** — \$211,840 grant from the U.S. Department of Justice to the Vermont Department of Corrections. This grant funds two modules for the Vermont Automated Notification Service (VANS) to provide services to victims of domestic violence, and expand services currently available to victims.

*[JFO received 2/09/11]*

**JFO #2486** — \$420,000 grant from the U.S. Department of Health and Human Services to the Vermont Department of Health. These funds will be used to expand the capacity of the Office of Minority Health by funding one limited service position.

*[JFO received 2/09/11]*

**JFO #2487** — Request to establish one limited service position in the Department of Economic, Housing and Community Development (DEHCD). This position (Barn Census Director) will support the grant-funded Barn Census Project.

*[JFO received 2/09/11]*