

Journal of the House

Thursday, February 17, 2011

Rep. Jewett of Ripton presiding.

At one o'clock and thirty minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. William Aswad of Burlington, VT.

Message from the Senate No. 18

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 12. An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders.

In the passage of which the concurrence of the House is requested.

The Senate has considered a bill originating in the House of the following title:

H. 30. An act relating to requiring the board of governors of the unified towns and gores of Essex County to hear tax appeals.

And has passed the same in concurrence.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 264

By Reps. Savage of Swanton, Andrews of Rutland City, Batchelor of Derby, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Clark of Vergennes, Consejo

of Sheldon, Degree of St. Albans City, Devereux of Mount Holly, Dickinson of St. Albans Town, Fagan of Rutland City, Gilbert of Fairfax, Grad of Moretown, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Keenan of St. Albans City, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Morrissey of Bennington, Myers of Essex, Pearce of Richford, Perley of Enosburgh, Shaw of Pittsford, Smith of New Haven, Strong of Albany, Waite-Simpson of Essex, Winters of Williamstown, Wright of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to driving while intoxicated and to forfeiture and registration of motor vehicles ;

To the committee on Judiciary.

H. 265

By Reps. Koch of Barre Town, McFaun of Barre Town and Lewis of Berlin,

House bill, entitled

An act relating to assault of a health care worker;

To the committee on Judiciary.

H. 266

By Rep. Mrowicki of Putney,

House bill, entitled

An act relating to a screening panel for medical injury claims;

To the committee on Judiciary.

H. 267

By Reps. Helm of Fair Haven, Howrigan of Fairfield, Andrews of Rutland City, Branagan of Georgia, Brennan of Colchester, Canfield of Fair Haven, Clark of Vergennes, Courcelle of Rutland City, Donaghy of Poultney, Fagan of Rutland City, Font-Russell of Rutland City, Larocque of Barnet, Lawrence of Lyndon, Lewis of Berlin, Malcolm of Pawlet, McAllister of Highgate, McNeil of Rutland Town, Perley of Enosburgh, Savage of Swanton, Shaw of Pittsford, Stevens of Shoreham and Winters of Williamstown,

House bill, entitled

An act relating to appropriation for John Deere memorial;

To the committee on Appropriations.

H. 268

By Reps. Donahue of Northfield and Grad of Moretown,
House bill, entitled
An act relating to municipal taxation and abatement;
To the committee on Government Operations.

H. 269

By Rep. Browning of Arlington,
House bill, entitled
An act relating to approving county budgets;
To the committee on Government Operations.

H. 270

By Rep. Sharpe of Bristol,
House bill, entitled
An act relating to periodic reporting by a town treasurer to the town selectboard;
To the committee on Government Operations.

H. 271

By Rep. Deen of Westminster,
House bill, entitled
An act relating to potable water supply and wastewater treatment system permits;
To the committee on Fish, Wildlife & Water Resources.

H. 272

By Reps. Botzow of Pownal and Marcotte of Coventry,
House bill, entitled
An act relating to maintenance of private roads;
To the committee on Commerce and Economic Development.

H. 273

By Reps. Lorber of Burlington, Ancel of Calais, Andrews of Rutland City, Aswad of Burlington, Atkins of Winooski, Bissonnette of Winooski, Bohi of

Hartford, Botzow of Pownal, Branagan of Georgia, Burke of Brattleboro, Buxton of Royalton, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Dakin of Chester, Davis of Washington, Deen of Westminster, Donahue of Northfield, Edwards of Brattleboro, Ellis of Waterbury, Evans of Essex, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Greshin of Warren, Haas of Rochester, Head of South Burlington, Heath of Westford, Jerman of Essex, Johnson of South Hero, Kitzmiller of Montpelier, Klein of East Montpelier, Krebs of South Hero, Kupersmith of South Burlington, Lanpher of Vergennes, Larson of Burlington, Lenes of Shelburne, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McCullough of Williston, Moran of Wardsboro, Munger of South Burlington, O'Brien of Richmond, Olsen of Jamaica, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ralston of Middlebury, Ram of Burlington, Shand of Weathersfield, Sharpe of Bristol, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne, Weston of Burlington, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson and Yantachka of Charlotte,

House bill, entitled

An act relating to a bill of rights for children of arrested and incarcerated parents;

To the committee on Human Services.

H. 274

By Reps. Sweaney of Windsor, Haas of Rochester, Aswad of Burlington, Bartholomew of Hartland, Bohi of Hartford, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Davis of Washington, Deen of Westminster, Edwards of Brattleboro, Fisher of Lincoln, Frank of Underhill, French of Randolph, Grad of Moretown, Head of South Burlington, Heath of Westford, Hooper of Montpelier, Johnson of South Hero, Kitzmiller of Montpelier, Krebs of South Hero, Larson of Burlington, Lenes of Shelburne, Lorber of Burlington, Manwaring of Wilmington, Marek of Newfane, McCullough of Williston, Mitchell of Barnard, Mook of Bennington, Mrowicki of Putney, Nuovo of Middlebury, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Ram of Burlington, Shand of Weathersfield, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Weston of Burlington and Wizowaty of

Burlington,

House bill, entitled

An act relating to patient choice and control at end of life;

To the committee on Human Services.

H. 275

By the committee on Commerce and Economic Development,

An act relating to the recently deployed veteran tax credit;

Under the rule, placed on the Calendar for notice.

H. 276

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to the dissolution of a civil union when the parties are married to one another and intend to continue the marriage;

To the committee on Judiciary.

H. 277

By Rep. Martin of Wolcott,

House bill, entitled

An act relating to automobile self-insurance;

To the committee on Transportation.

Senate Bill Referred

S. 49

Senate bill, entitled

An act relating to commercial motor vehicle operation on the interstate system

Was read and referred to the committee on Transportation.

Bill Amended; Third Reading Ordered

H. 153

Rep. Grad of Moretown, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to human trafficking

Reported in favor of its passage when 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.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the committee on Judiciary? **Rep. Weston of Burlington** moved to amend the report of the committee on Judiciary as follows:

In Sec. 1, in 13 V.S.A. § 2651, in subdivision (7), by striking the second sentence in its entirety and inserting in lieu thereof the following: “Labor servitude” shall not include labor or services performed by a family member of a person who is engaged in the business of farming as defined in 10 V.S.A. § 6001(22) unless force, fraud, or coercion is used.

Which was agreed to.

Thereupon the report of the committee on Judiciary, as amended, was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Copeland-Hanzas of Bradford** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 131. Nays, 5.

Those who voted in the affirmative are:

Acinapura of Brandon	Fisher of Lincoln	McFaun of Barre Town
Ancel of Calais	Frank of Underhill	McNeil of Rutland Town
Andrews of Rutland City	French of Shrewsbury	Miller of Shaftsbury
Aswad of Burlington	French of Randolph	Mitchell of Barnard
Atkins of Winooski	Gilbert of Fairfax	Morrissey of Bennington
Bartholomew of Hartland	Grad of Moretown	Mrowicki of Putney
Batchelor of Derby	Greshin of Warren	Munger of South Burlington
Bissonnette of Winooski	Haas of Rochester	Myers of Essex
Bohi of Hartford	Head of South Burlington	Nuovo of Middlebury
Botzow of Pownal	Heath of Westford	O'Brien of Richmond
Bouchard of Colchester	Hebert of Vernon	Olsen of Jamaica
Branagan of Georgia	Helm of Fair Haven	Partridge of Windham
Brennan of Colchester	Higley of Lowell	Pearce of Richford
Browning of Arlington	Hooper of Montpelier	Pearson of Burlington
Burditt of West Rutland	Howard of Cambridge	Peaslee of Guildhall
Burke of Brattleboro	Hubert of Milton	Peltz of Woodbury
Buxton of Royalton	Jerman of Essex	Perley of Enosburgh
Campton of Bennington	Johnson of South Hero	Poirier of Barre City
Cheney of Norwich	Keenan of St. Albans City	Potter of Clarendon
Christie of Hartford	Kitzmiller of Montpelier	Pugh of South Burlington
Clarkson of Woodstock	Klein of East Montpelier	Ralston of Middlebury
Condon of Colchester	Koch of Barre Town	Ram of Burlington
Conquest of Newbury	Komline of Dorset	Reis of St. Johnsbury
Consejo of Sheldon	Krebs of South Hero	Savage of Swanton
Copeland-Hanzas of Bradford	Kupersmith of South Burlington	Scheuermann of Stowe
Corcoran of Bennington	Lanpher of Vergennes	Shand of Weathersfield
Courcelle of Rutland City	Larson of Burlington	Sharpe of Bristol
Dakin of Chester	Lenes of Shelburne	Shaw of Pittsford
Davis of Washington	Lewis of Derby	Smith of New Haven
Deen of Westminster	Lippert of Hinesburg	South of St. Johnsbury
Degree of St. Albans City	Lorber of Burlington	Spengler of Colchester
Devereux of Mount Holly	Macaig of Williston	Stevens of Waterbury
Dickinson of St. Albans Town	Malcolm of Pawlet	Stevens of Shoreham
Donovan of Burlington	Manwaring of Wilmington	Strong of Albany
Edwards of Brattleboro	Marcotte of Coventry	Stuart of Brattleboro
Ellis of Waterbury	Marek of Newfane	Sweaney of Windsor
Emmons of Springfield	Martin of Springfield *	Taylor of Barre City
Evans of Essex	Masland of Thetford	Till of Jericho
Fagan of Rutland City	McAllister of Highgate	Toll of Danville
	McCullough of Williston	Townsend of Randolph
		Trieber of Rockingham

Turner of Milton	Wilson of Manchester	Wright of Burlington
Waite-Simpson of Essex	Winters of Williamstown	Yantachka of Charlotte
Webb of Shelburne	Wizowaty of Burlington	Young of Albany
Weston of Burlington	Woodward of Johnson	

Those who voted in the negative are:

Crawford of Burke	Kilmartin of Newport City	Lawrence of Lyndon
Donaghy of Poultney	Larocque of Barnet	

Those members absent with leave of the House and not voting are:

Canfield of Fair Haven	Howrigan of Fairfield	Mook of Bennington
Clark of Vergennes	Johnson of Canaan	Moran of Wardsboro
Donahue of Northfield	Leriche of Hardwick	Smith of Morristown
Eckhardt of Chittenden	Lewis of Berlin	
Font-Russell of Rutland City	Martin of Wolcott	

Rep. Martin of Springfield explained her vote as follows:

“Mr. Speaker:

I am proud to be part of Vermont’s history of protecting human rights.”

Third Reading; Bill Passed

H. 45

House bill, entitled

An act relating to the Winhall school district’s budget

Was taken up, read the third time and passed with a title amendment to read as follows:

An act relating to excluding tuition deficits from the definition of excess spending:

Third Reading; Bill Passed

H. 52

House bill, entitled

An act relating to the definition of poultry products

Was taken up, read the third time and passed.

Action on Bill Postponed

H. 114

House bill, entitled

An act relating to electrical installations

Was taken up and pending third reading on the bill, on motion of **Rep. Stevens of Waterbury**, action on the bill was postponed until the next legislative day.

Bill Read Second Time; Third Reading Ordered

H. 236

Rep. Martin of Springfield spoke for the committee on Judiciary.

House bill entitled

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

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Message from Governor

A message was received from His Excellency, the Governor, by Mrs. Alexandra Maclean, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the sixteenth day of February, 2011, he approved and signed a bill originating in the House of the following title:

H. 8 An act relating to approval of amendments to and codification of the charter of the town of Jamaica

Message from Governor

A message was received from His Excellency, the Governor, by Mrs. Alexandra Maclean, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the seventeenth day of February, 2011, he approved and signed a bill originating in the House of the following title:

H. 65 An act relating to fiscal year 2011 budget adjustment

Adjournment

At two o'clock and forty-five minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.