



May 7, 2015

TO: Rep. Maxine Grad, Chair
Rep. Willem Jewett, Vice-Chair
House Judiciary Committee

FROM: Auburn Watersong, Associate Director of Public Policy

RE: S.7

The Vermont Network supports the passage of S.7, a bill proposing to categorize lewd and lascivious conduct with a child as a violent offense for the purpose of determining bail.

Sexual assault includes lewd and lascivious conduct:

- Sexual assault is any behavior of a sexual nature that makes someone feel uncomfortable, frightened, intimidated or threatened. It is sexual behavior that someone has not agreed to, where another person uses physical or emotional force against them. It can include sexual harassment, voyeurism, flashing, masturbation in front of another person, as well as more life threatening crimes, such as rape. Some of these acts are serious indictable crimes.
- Sexual assault is an abuse of power. It is never the fault or responsibility of the victim/survivor.
- Sexual assault is categorized as a violent offense in current Vermont statute.

Lewd and lascivious conduct is an indicator of further sexual crimes against children:

- Research indicates that “Where a person gets into deviance, they are very likely to move into other offenses. Typically, flashers have the highest crossover of all sex offenders into crimes against children. With flashers, people tend to focus on the jokes, but other behaviors will develop, such as rape, bestiality, assault.”¹
- As indicated in previous testimony on this bill, it is clear that an offense that warrants a charge of lewd and lascivious conduct with a child is often just one piece of more serious behavior from that offender and may be the forewarning of more serious offenses to come.

Sex offender registry includes lewd and lascivious offenses as a matter of public safety:

A conviction of lewd and lascivious conduct with a child results in placement of the offender on the sex offender registry, which is designed to promote public safety.

¹ Daniel Wilcox, forensic psychologist in Birmingham, UK who treats sex offenders, including flashers, for the probation service. From: The Guardian, *Don't Look Now*, April 18, 2001.