

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 9 entitled
3 “An act relating to “ respectfully reports that it has considered the same and
4 recommends that the House propose to the Senate that the bill be amended as
5 recommended by the Committee on Appropriations and be further amended by
6 inserting two new sections as follows:

7 Sec. 18. 13 V.S.A. § 1304 is amended to read:

8 1304a. FAILURE TO PROTECT A CHILD

9 (a) A person having the custody or care of a child commits the crime of
10 failure to protect a child if:

11 (1)(A) the person knows, or reasonably should have known that the child
12 is in danger of:

13 (i) death;

14 (ii) serious bodily injury as defined in section 1021 of this title;

15 (iii) lewd or lascivious conduct with a child in violation of section

16 2602 of this title;

17 (iv) sexual exploitation of children in violation of chapter 64 of

18 this title; or

19 (v) sexual assault in violation of chapter 72 of this title; and

20 (B) the person knowingly causes or permits the child to be present
21 where any person is selling, dispensing, manufacturing, or possessing chemical

1 substances with intent to manufacture a regulated drug, as defined in 18 V.S.A.
2 § 4201; and

3 (2) the person fails to act to prevent a child from suffering any of the
4 possible outcomes as set forth in subdivision (1) of this subsection;

5 (3) the person's failure to act is a proximate cause of the child suffering
6 any of the possible outcomes as set forth in subdivision (1) of this subsection;

7 (4) the person would have been able to protect the child from the
8 possible outcomes as set forth in subdivision (1) of this subsection without risk
9 of bodily injury, death, or sexual assault to the person, child or household
10 member.

11 (b) A person who violates subsection (a) of this section shall be imprisoned
12 not more than two years or fined not more than \$500.00, or both.

13 (c) Subdivision (a)(1)(B) of this section shall not apply to the cultivation of
14 marijuana.

15 Sec. 19. 13 V.S.A. § 1304 is amended to read:

16 § 1304. CRUELTY TO ~~CHILDREN UNDER 10 BY ONE OVER 16~~ A

17 CHILD

18 A person over ~~the age of~~ 16 years of age, having the custody, charge or care of a
19 child ~~under 10 years of age~~, who ~~wilfully~~ willfully assaults, ~~ill-treats~~, neglects, or
20 abandons ~~or exposes such~~ the child, or causes ~~or procures such~~ the child to be
21 assaulted, ill-treated, neglected, or abandoned ~~or exposed~~, in a manner to cause ~~such~~

1 the child unnecessary suffering, or to endanger his or her health, shall be imprisoned
2 not more than two years or fined not more than \$500.00, or both.
3 and by renumbering the remaining sections of the bill to be numerically
4 correct.

5 (Committee vote: _____)

6

7

Representative _____

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FOR THE COMMITTEE