

1 H.568

2 Introduced by Representatives Grad of Moretown, Colburn of Burlington, and
3 Jessup of Middlesex

4 Referred to Committee on

5 Date:

6 Subject: Crimes; human trafficking; prostitution

7 Statement of purpose of bill as introduced: This bill proposes to provide
8 limited immunity from criminal prosecution to a person if he or she reports to
9 law enforcement that he or she is a victim of or a witness to a crime that arose
10 from his or her involvement in prostitution or human trafficking and to create a
11 Sex Work Study Committee for the purpose of examining and modernizing the
12 State's prostitution laws.

13 An act relating to human trafficking and prostitution

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

15 Sec. 1. 13 V.S.A. § 2638 is added to read:

16 § 2638. IMMUNITY FROM LIABILITY

17 (a) As used in this section:

18 (1) "Human trafficking" has the same meaning as in section 2651 of this
19 title.

20 (2) "Prostitution" has the same meaning as in section 2631 of this title.

1 (b) A person who, in good faith and in a timely manner, reports to law
2 enforcement that he or she is a victim of or a witness to a crime that arose from
3 his or her involvement in prostitution or human trafficking shall not be cited,
4 arrested, or prosecuted for a violation of the following offenses:

5 (1) section 2632 of this title (prostitution);

6 (2) section 2601a of this title (prohibited conduct);

7 (3) 18 VSA § 4230(1)(A) (marijuana possession);

8 (4) 18 VSA § 4231(a)(1) and (2) (cocaine possession);

9 (5) 18 VSA § 4232(a)(1) and (2) (LSD possession);

10 (6) 18 VSA § 4233(a)(1) and (2) (heroin possession);

11 (7) 18 VSA § 4234(a)(1) and (2) (depressant, stimulant, and narcotic
12 drugs possession);

13 (8) 18 VSA § 4234a(a)(1) and (a) (methamphetamine possession);

14 (9) 18 VSA § 4235(b)(1) (hallucinogenic drugs possession); and

15 (10) 18 VSA § 4235a(a)(1) (Ecstasy possession).

16 (c) The immunity provisions of this section apply only to the use and
17 derivative use of evidence gained as a proximate result of the person reporting
18 to law enforcement that he or she is a victim of or a witness to a crime that
19 arose from his or her involvement in prostitution or human trafficking and do
20 not preclude prosecution of the person on the basis of evidence obtained from
21 an independent source.

1 (d) A person who qualifies for immunity pursuant to subsection (b) or (c)
2 of this section shall not be subject to the provisions of 18 V.S.A. chapter 84,
3 subchapter 2 concerning property subject to forfeiture, except that prima facie
4 contraband shall be subject to forfeiture.

5 (e) Except in cases of reckless or intentional misconduct, law enforcement
6 shall be immune from liability for citing or arresting a person who is later
7 determined to qualify for immunity under this section.

8 Sec. 2. SEX WORK STUDY COMMITTEE

9 (a) Creation. There is created the Sex Work Study Committee to make
10 recommendations to the General Assembly regarding modernization of
11 Vermont's prostitution laws.

12 (b) Membership. The Committee shall be composed of the following
13 members:

14 (1) a current member of the House of Representatives appointed by the
15 Speaker of the House;

16 (2) a current member of the Senate appointed by the Committee on
17 Committees;

18 (3) the Attorney General or designee;

19 (4) the Executive Director of the Department of State's Attorneys and
20 Sheriffs or designee;

21 (5) the Defender General or designee;

1 (6) the Executive Director of the Center for Crime Victim Services or
2 designee;

3 (7) the Executive Director of the Network Against Domestic and Sexual
4 Violence or designee;

5 (8) the Executive Director of the Vermont Chapter of the American
6 Civil Liberties Union or designee; and

7 (9) the Executive Director of the Vermont Pride Center or designee.

8 (c) Powers and duties. The Committee shall review 13 V.S.A. chapter 59,
9 subchapter 2 for the purpose of developing a modern approach to State
10 involvement in sexual activity for hire by consenting adults while maintaining
11 criminal penalties for trafficking, coercion, and exploitation of minors and
12 strong protections for victims of those crimes.

13 (d) Assistance. For purposes of scheduling meetings and preparing
14 recommended legislation, the Committee shall have the assistance of the
15 Office of Legislative Council.

16 (e) Report. On or before December 15, 2020, the Committee shall submit
17 proposed legislation to the General Assembly based upon its
18 recommendations.

19 (f) Meetings.

20 (1) The member of the House of Representatives and the member of the
21 Senate shall be co-chairs of the Committee and call the Committee to order.

1 (2) A majority of the membership shall constitute a quorum.

2 (3) The Committee shall cease to exist on December 31, 2020.

3 (g) Compensation and reimbursement. For attendance at meetings during
4 adjournment of the General Assembly, a legislative member of the Committee
5 serving in his or her capacity as a legislator shall be entitled to per diem
6 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
7 not more than four meetings.

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on July 1, 2020.