

1 H.618

2 Introduced by Representative Sullivan of Dorset

3 Referred to Committee on

4 Date:

5 Subject: Crimes; human trafficking; grooming

6 Statement of purpose of bill as introduced: This bill proposes to add grooming
7 a minor to engage in a commercial sex act or labor servitude within the
8 definition of human trafficking.

9 An act relating to grooming a minor for purposes of human trafficking

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

11 Sec. 1. 13 V.S.A. § 2651 is amended to read:

12 § 2651. DEFINITIONS

13 As used in this subchapter:

14 * * *

15 (6) “Groom” means to intentionally develop an emotional connection
16 and trust with a minor for the purposes of having the minor engage in a
17 commercial sex act or labor servitude.

18 (7) “Human trafficking” means:

19 (A) to subject a person to a violation of section 2652 of this title; or

20 (B) “severe form of trafficking” as defined by 22 U.S.C. § 7105.

1 ~~(7)~~(8) “Labor servitude” means labor or services performed or provided
2 by a person that are induced or maintained through force, fraud, or coercion.
3 “Labor servitude” shall not include labor or services performed by a family
4 member of a person who is engaged in the business of farming as defined in
5 10 V.S.A. § 6001(22) unless force, fraud, or coercion is used.

6 ~~(8)~~(9) “Serious bodily injury” shall have the same meaning as in
7 subdivision 1021(2) of this title.

8 ~~(9)~~(10) “Sexual act” shall have the same meaning as in subdivision
9 3251(1) of this title.

10 ~~(10)~~(11) “Sexual conduct” shall have the same meaning as in
11 subdivision 2821(2) of this title.

12 ~~(11)~~(12) “Sexually explicit performance” means a public, live,
13 photographed, recorded, or videotaped act or show that:

14 (A) depicts a sexual act or sexual conduct;

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

17 (C) lacks literary, artistic, political, or scientific value.

18 ~~(12)~~(13) “Venture” means any group of two or more individuals
19 associated in fact, whether or not a legal entity.

20 ~~(13)~~(14) “Victim of human trafficking” means a victim of a violation of
21 section 2652 of this title.

1 Sec. 2. 13 V.S.A. § 2652 is amended to read:

2 § 2652. HUMAN TRAFFICKING

3 (a) No person shall knowingly:

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

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

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

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

16 (5) subject a person to labor servitude;

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

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

1 (b) A person who violates subsection (a) of this section shall be imprisoned
2 for a term up to and including life or fined not more than \$500,000.00, or both.

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

8 (B) Notwithstanding any other provision of law, a person under the
9 age of 18 shall be immune from prosecution in the Criminal Division of the
10 Superior Court for a violation of section 2632 of this title (prohibited acts;
11 prostitution), but may be treated as a juvenile under 33 V.S.A. chapter 52 or
12 referred to the Department for Children and Families for treatment under
13 33 V.S.A. chapter 53.

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

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

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

6 Sec. 3. EFFECTIVE DATE

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