



**Testimony on H.19 - House Judiciary Committee  
January 24, 2019  
Auburn Watersong  
Policy Director**

Thank you for your invitation to testify on H.19. Unfortunately, a scheduling conflict prevents my testifying in person.

H.19 is an important and necessary bill. It is imperative that Vermont ensure that persons acting with power and authority are held accountable when that power is wrongly used in a sexual manner. It is also critical that those who are detained, arrested or in custody are afforded protections in situations where someone with authority abuses their power in a sexual manner.

We have carefully considered the need for this bill and reviewed the proposed language with stakeholders. We are particularly pleased that this proposal provides protection not only for those who may be arrested or in custody – but also those who would be “detained” which is the lowest threshold on the arrest/custody continuum. For example, when an officer stops a motor vehicle because the driver was speeding, or an officer stops someone behaving suspiciously in order to ask a few questions – the person stopped may be considered detained but not in custody or under arrest. This is vital because it acknowledges the authority that held by an officer in a situation where the detainee may feel that they cannot leave. It is not possible to voluntarily consent to sex while detained – and this law makes that very clear.

The language found in H.19 also mirrors the correctional officer language already in Vermont statute (13 V.S.A. § 3257) as established and supported by the Network in 2005.

The Vermont Network supports H.19 as written.