

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 568  
3 entitled “An act relating to human trafficking and prostitution” respectfully  
4 reports that it has considered the same and recommends that the bill be  
5 amended by striking out all after the enacting clause and inserting in lieu  
6 thereof the following:

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

8 § 2638. IMMUNITY FROM LIABILITY

9 (a) As used in this section:

10 (1) “Human trafficking” has the same meaning as in section 2651 of this  
11 title.

12 (2) “Prostitution” has the same meaning as in section 2631 of this title.

13 (b) A person who, in good faith and in a timely manner, reports to law  
14 enforcement that **the person** is a victim of or a witness to a crime that arose  
15 from the person’s involvement in prostitution or human trafficking shall not be  
16 cited, arrested, or prosecuted for a violation of the following offenses:

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

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

19 (3) 18 VSA § 4230(1)(A) (marijuana possession);

20 (4) 18 VSA § 4231(a)(1) and (2) (cocaine possession);

21 (5) 18 VSA § 4232(a)(1) and (2) (LSD possession);

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

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

4           (8) 18 VSA § 4234a(a)(1) and (a) (methamphetamine possession);

5           (9) 18 VSA § 4235(b)(1) (hallucinogenic drugs possession); and

6           (10) 18 VSA § 4235a(a)(1) (Ecstasy possession).

7           (c) The immunity provisions of this section apply only to the use and  
8 derivative use of evidence gained as a proximate result of the person reporting  
9 to law enforcement that the person is a victim of or a witness to a crime that  
10 arose from the person's involvement in prostitution or human trafficking and  
11 do not preclude prosecution of the person on the basis of evidence obtained  
12 from an independent source.

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

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

1       Sec. 2. SEX WORK STUDY COMMITTEE

2           (a) Creation. There is created the Sex Work Study Committee to make  
3       recommendations to the General Assembly regarding modernization of  
4       Vermont’s prostitution laws.

5           (b) Membership. The Committee shall be composed of the following  
6       members:

7           (1) a current member of the House of Representatives appointed by the  
8       Speaker of the House;

9           (2) a current member of the Senate appointed by the Committee on  
10       Committees;

11           (3) the Attorney General or designee;

12           (4) the Executive Director of the Department of State’s Attorneys and  
13       Sheriffs or designee;

14           (5) the Defender General or designee;

15           (6) the Executive Director of the Center for Crime Victim Services or  
16       designee;

17           (7) the Executive Director of the Vermont Chapter of the American  
18       Civil Liberties Union or designee;

19           (8) the Executive Director of the Network Against Domestic and Sexual  
20       Violence or designee and an at-large member with knowledge of Vermont’s

1 sex work industry appointed by the Executive Director of the Network Against  
2 Domestic and Sexual Violence; and

3 (9) the Executive Director of the Vermont Pride Center or designee and  
4 an at-large member with knowledge of Vermont's sex work industry appointed  
5 by the Executive Director of the Vermont Pride Center.

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

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

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

17 (f) Meetings.

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

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

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

1           (g) Compensation and reimbursement.

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

8           (2) The at-large members of the Committee shall be entitled to per diem  
9           compensation and reimbursement of expenses as permitted under 32 V.S.A.  
10           § 1010 for not more than four meetings. These payments shall be made from  
11           monies appropriated to the General Assembly.

12           Sec. 3. EFFECTIVE DATE

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

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19           (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE