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

Referred to Committee on

Date:

Subject: Crimes; human trafficking; prostitution

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

An act relating to human trafficking and prostitution

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

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

§ 2638. IMMUNITY FROM LIABILITY

(a) As used in this section:

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

(2) “Prostitution” has the same meaning as in section 2631 of this title.
(b) A person who, in good faith and in a timely manner, reports to law
enforcement that he or she is a victim of or a witness to a crime that arose from
his or her involvement in prostitution or human trafficking shall not be cited,
arrested, or prosecuted for a violation of the following offenses:

(1) section 2632 of this title (prostitution);
(2) section 2601a of this title (prohibited conduct);
(3) 18 VSA § 4230(1)(A) (marijuana possession);
(4) 18 VSA § 4231(a)(1) and (2) (cocaine possession);
(5) 18 VSA § 4232(a)(1) and (2) (LSD possession);
(6) 18 VSA § 4233(a)(1) and (2) (heroin possession);
(7) 18 VSA § 4234(a)(1) and (2) (depressant, stimulant, and narcotic
drugs possession);
(8) 18 VSA § 4234a(a)(1) and (a) (methamphetamine possession);
(9) 18 VSA § 4235(b)(1) (hallucinogenic drugs possession); and
(10) 18 VSA § 4235a(a)(1) (Ecstasy possession).

(c) The immunity provisions of this section apply only to the use and
derivative use of evidence gained as a proximate result of the person reporting
to law enforcement that he or she is a victim of or a witness to a crime that
arose from his or her involvement in prostitution or human trafficking and do
not preclude prosecution of the person on the basis of evidence obtained from
an independent source.
(d) A person who qualifies for immunity pursuant to subsection (b) or (c) of this section shall not be subject to the provisions of 18 V.S.A. chapter 84, subchapter 2 concerning property subject to forfeiture, except that prima facie contraband shall be subject to forfeiture.

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

Sec. 2. SEX WORK STUDY COMMITTEE

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

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

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

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

(3) the Attorney General or designee;

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

(5) the Defender General or designee;
(6) the Executive Director of the Center for Crime Victim Services or designee;

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

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

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

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

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

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

(f) Meetings.

(1) The member of the House of Representatives and the member of the Senate shall be co-chairs of the Committee and call the Committee to order.
(2) A majority of the membership shall constitute a quorum.

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

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

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.