

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

The statutes were updated in November, 2018, and contain all actions of the 2018 legislative session.

Title 13 : Crimes And Criminal Procedure

Chapter 028 : Abuse, Neglect, And Exploitation Of Vulnerable Adults

(Cite as: 13 V.S.A. § 1379)

§ 1379. Sexual abuse

(a) A person who volunteers for or is paid by a caregiving facility or program shall not engage in any sexual activity with a vulnerable adult. It shall be an affirmative defense to a prosecution under this subsection that the sexual activity was consensual between the vulnerable adult and a caregiver who was hired, supervised, and directed by the vulnerable adult. A person who violates this subsection shall be imprisoned for not more than two years or fined not more than \$10,000.00, or both.

(b) No person, whether or not the person has actual knowledge of the victim's vulnerable status, shall engage in sexual activity with a vulnerable adult if:

(1) the vulnerable adult does not consent to the sexual activity; or

(2) the person knows or should know that the vulnerable adult is incapable of resisting, declining, or consenting to the sexual activity due to his or her specific vulnerability or due to fear of retribution or hardship.

(c) A person who violates subsection (b) of this section shall be:

(1) imprisoned for not more than five years or fined not more than \$10,000.00, or both, if the sexual activity involves lewd and lascivious conduct;

(2) imprisoned for not more than 20 years or fined not more than \$10,000.00, or both, if the sexual activity involves a sexual act.

(d) A caregiver who violates subsection (b) of this section shall be:

(1) imprisoned for not more than seven years or fined not more than \$10,000.00, or both, if the sexual activity involves lewd and lascivious conduct.

(2) imprisoned for not more than 25 years or fined not more than \$10,000.00, or both, if the sexual activity involves a sexual act. (Added 2005, No. 79, § 2.)