

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 936  
3 entitled “An act relating to sexual exploitation of children” respectfully reports  
4 that it has considered the same and recommends that the Senate propose to the  
5 House that the bill be amended as follows:

6 First: In Sec. 1, 13 V.S.A. chapter 64, in section 2821, by striking out  
7 subdivision (2) in its entirety and inserting in lieu thereof the following:

8 (2) “Sexual conduct” means any of the following:

9 (A) any conduct involving contact between the penis and the vulva,  
10 the penis and the penis, the penis and the anus, the mouth and the penis, the  
11 mouth and the anus, the vulva and the vulva, or the mouth and the vulva;

12 (B) any intrusion, however slight, by any part of a person’s body or  
13 any object into the genital or anal opening of another with the intent of  
14 arousing, appealing to, or gratifying the lust, passions, or sexual desire of any  
15 person;

16 (C) any intentional touching, not through the clothing, of the genitals,  
17 anus, or breasts of another with the intent of arousing, appealing to, or  
18 gratifying the lust, passions, or sexual desire of any person;

19 (D) masturbation;

20 (E) bestiality; or

21 (F) sadomasochistic abuse for sexual purposes.

1        Second: In Sec. 1, 13 V.S.A. chapter 64, in section 2821, by adding a  
2        subdivision (6) to read as follows:

3                (6) “Peer-to-peer network” means a network in which two or more  
4        computers or devices share files without requiring a separate server computer  
5        or server software.

6        Third: By inserting a new Sec. 2 to read as follows:

7        Sec. 2. LEGISLATIVE PROPOSAL

8                The Attorney General, in collaboration with the Defender General and the  
9        Department of State’s Attorneys and Sheriffs, shall examine the issue of  
10        simulated sexual conduct by a child under 16 years of age as it relates to child  
11        sexual abuse material for the purpose of developing a clear, narrowly tailored  
12        legislative proposal that prohibits such conduct while ensuring that a  
13        substantial amount of constitutionally protected speech is not inadvertently  
14        swept into the purview of the statute. The Attorney General shall submit the  
15        recommendation not later than November 1, 2020 to the Joint Legislative  
16        Committee on Justice Oversight.

17        Fourth: By renumbering Sec. 2, effective date, to be Sec. 3, and by striking  
18        out “July 1, 2020” and inserting in lieu thereof passage

1 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE