

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 512
3 entitled “An act relating to miscellaneous court and Judiciary related
4 amendments” respectfully reports that it has considered the same and adding
5 Secs. X and X to read as follows:

6 Sec. X. 13 V.S.A. § 2658 is amended to read:

7 § 2658. ~~PROSTITUTION CONVICTION; MOTION TO VACATE BY~~
8 VICTIM OF HUMAN TRAFFICKING

9 (a) As used in this section,;

10 (1) “Qualifying crime” means a criminal offense in this State that is not
11 listed in 33 V.S.A. § 5204(a).

12 (2) “~~victim~~ Victim of human trafficking” means:

13 (1)(A) a victim of a violation of section 2652 or 2653 of this title;

14 or

15 (2)(B) “a victim of a severe form of trafficking” as defined by

16 22 U.S.C. § 7102(14) (federal Trafficking Victims Protection Act).

17 (b) A person convicted of ~~prostitution in violation of section 2632 of this~~

18 ~~title~~ a qualifying crime may file a motion to vacate the conviction if it was

19 obtained as a result of the person having been a victim of human trafficking.

20 The motion shall be in writing, describe the supporting evidence with

1 particularity, and include copies of any documents showing that the moving
2 party is entitled to relief under this section.

3 (c) The court shall hold a hearing on the motion, provided that the court
4 may dismiss a motion without a hearing if the court finds that the motion fails
5 to assert a claim for which relief may be granted.

6 (d)(1) The court shall grant the motion if it finds by a preponderance of the
7 evidence that:

8 (A) the moving party was convicted of ~~prostitution in violation of~~
9 ~~section 2632 of this title~~ a **qualifying crime**; and

10 (B) the conviction was obtained as a result of the moving party's
11 having been a victim of human trafficking.

12 (2) If the motion is granted, the court shall vacate the conviction, strike
13 the adjudication of guilt, and expunge the record of the criminal proceedings.
14 The court shall issue an order to expunge, or redact the moving party's name
15 from, all records and files related to the moving party's arrest, citation,
16 investigation, charge, adjudication of guilt, criminal proceedings, and
17 probation for the offense.

18 (e) Official documentation of a person's status as a victim of human
19 trafficking provided by a federal, state, or local government agency shall create
20 a presumption that the person's ~~prostitution~~ conviction was obtained as a result

1 of having been a victim of human trafficking. Such documentation shall not be
2 required to grant a motion under this section.

3 Sec. X. REVIEW OF PROSTITUTION AND HUMAN TRAFFICKING

4 LAWS

5 The Attorney General’s Office, the Center for Crime Victim Services, and
6 the Network Against Domestic and Sexual Violence, in consultation with other
7 entities with expertise in these issues, shall review 13 V.S.A. chapter 59,
8 subchapter 2 (prostitution) and 13 V.S.A. chapter 60 (human trafficking),
9 13 V.S.A. § 1311 (unlawful sheltering; aiding a runaway), and 33 V.S.A.
10 § 5304 (designated shelters for runaway children) for the purpose of making
11 recommendations to the General Assembly regarding modernization of these
12 laws and employment of best practices in addressing the issue of prostitution
13 and human trafficking. The group shall also make a recommendation as to
14 whether 13 V.S.A. § 2658 (motion to vacate by victim of human trafficking)
15 should be amended to allow a person to file a motion to vacate a conviction for
16 any criminal offense if it was obtained as a result of the moving party’s having
17 been a victim of human trafficking. The group shall report its
18 recommendations to the General Assembly not later than October 15, 2019.
19 Recommendations may be made through proposed legislation and does not
20 require a report.
21

1

2

3

4 (Committee vote: _____)

5

6

Senator _____

7

FOR THE COMMITTEE