

1 S.103

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Crimes; prostitution; immunity from liability

6 Statement of purpose of bill as introduced: This bill proposes to provide  
7 limited immunity from criminal prosecution to a person if the person reports to  
8 law enforcement that the person is a victim of or a witness to a crime that arose  
9 from the person's involvement in prostitution or human trafficking.

10 An act relating to immunity from liability for a person reporting a crime

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

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

13 § 2638. IMMUNITY FROM LIABILITY

14 (a) As used in this section:

15 (1) "Human trafficking" has the same meaning as in section 2651 of this  
16 title.

17 (2) "Prostitution" has the same meaning as in section 2631 of this title.

18 (b) A person who, in good faith and in a timely manner, reports to law  
19 enforcement that the person is a victim of or a witness to a crime that arose

1 from the person's involvement in prostitution or human trafficking shall not be  
2 cited, arrested, or prosecuted for a violation of the following offenses:

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

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

5 (3) 18 V.S.A. § 4230(a)(1)–(3) (marijuana possession);

6 (4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);

7 (5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);

8 (6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);

9 (7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic  
10 drugs possession);

11 (8) 18 VSA § 4234a(a)(1) and (2) (methamphetamine possession);

12 (9) 18 VSA § 4235(b)(1) (hallucinogenic drugs possession); and

13 (10) 18 VSA § 4235a(a)(1) (Ecstasy possession).

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

20 (d) A person who qualifies for immunity pursuant to subsection (b) or (c)  
21 of this section shall not be subject to the provisions of 18 V.S.A. chapter 84,

1 subchapter 2 concerning property subject to forfeiture, except that prima facie  
2 contraband shall be subject to forfeiture.

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

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on July 1, 2021.