

Journal of the Senate

FRIDAY, APRIL 23, 2021

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 57

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 114. An act relating to improving prekindergarten through grade 12 literacy within the State.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

Message from the House No. 58

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

The House has considered a bill originating in the Senate of the following title:

S. 45. An act relating to earned discharge from probation.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 45. House concurrent resolution congratulating Christopher Hodsdon on being named the 2021 Robert F. Pierce Principal of the Year.

H.C.R. 46. House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks boys' Alpine State championship ski team.

H.C.R. 47. House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks girls' Alpine State championship ski team.

H.C.R. 48. House concurrent resolution recognizing the special importance of social workers during the COVID-19 pandemic.

H.C.R. 49. House concurrent resolution honoring Neshobe School principal Judi Pulsifer.

H.C.R. 50. House concurrent resolution recognizing April 2021 as Fair Housing Month in Vermont.

H.C.R. 51. House concurrent resolution recognizing April 2021 as Organ Donation Month in Vermont.

In the adoption of which the concurrence of the Senate is requested.

The House has considered concurrent resolution originating in the Senate of the following title:

S.C.R. 4. Senate concurrent resolution recognizing the week of April 18–24 2021 as Medical Laboratory Professionals Week in Vermont and the essential role of Vermont's medical laboratories during the COVID-19 pandemic.

And has adopted the same in concurrence.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee on Appropriations:

H. 434. An act relating to establishing the Agricultural Innovation Board.

H. 438. An act relating to capital construction and State bonding.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 141.

By Senator Westman,

An act relating to creating the Vermont Silver Alert Program.

To the Committee on Government Operations.

S. 142.

By Senators Ram, Lyons, Benning, Bray, Campion, Clarkson, Cummings, Hardy, Hooker, Kitchel, McCormack, Nitka, Perchlik, Pollina, Sears, Sirotkin, Terenzini, Westman and White,

An act relating to designating August 31 as Overdose Awareness Day.

To the Committee on Government Operations.

S. 143.

By Senator Westman,

An act relating to the membership of the Vermont Municipal Employees' System.

To the Committee on Government Operations.

Senate Bill Recommended

S. 53.

Senate bill entitled:

An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

Was taken up.

Thereupon, pending the question, Shall the Senate concur with the House Proposal of Amendment?, on motion of Senator Pearson, the bill was recommitted to the Committee on Finance.

Bill Passed in Concurrence with Proposals of Amendment

H. 145.

House bill of the following title:

An act relating to amending the standards for law enforcement use of force.

Was read the third time and passed in concurrence with proposals of amendment on a roll call, Yeas 28, Nays 1.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Balint, Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Ram, Sears, Sirotkin, Terenzini, Westman, White.

The Senator who voted in the negative was: Ingalls.

The Senator absent and not voting was: Starr.

Bill Passed in Concurrence**H. 199.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to validating legal instruments used in connection with the conveyance of real estate.

Proposal of Amendment; Third Reading Ordered**H. 18.**

Senator White, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to sexual exploitation of children.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 2821 is amended to read:

§ 2821. DEFINITIONS

As used in this chapter:

- (1) "Child" means any person under 16 years of age.
- (2) "Sexual conduct" means any of the following:

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

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

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

(D) masturbation;

(E) bestiality; or

(F) sadomasochistic abuse for sexual purposes; or

(G) any simulation of the conduct described in subdivisions (2)(A)–(F) of this section.

* * *

(7)(A) “Simulation” means the explicit depiction of any conduct described in subdivisions (2)(A)–(F) of this section that:

(i) involves a child as defined in subdivision (1) of this section;

(ii) creates the appearance of such conduct; and

(iii) exhibits naked genitals, buttocks, or breasts below the top of the areola.

(B) “Simulation” does not include paintings, drawings, or nonvisual or written descriptions of sexual conduct.

(C) “Simulation” applies only to conduct.

Sec. 2. 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 the person is a victim of or a witness to a crime that arose from the person’s 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 V.S.A. § 4230(a)(1)–(3) (cannabis possession);

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

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

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

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

(8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);

(9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); and

(10) 18 V.S.A. § 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 the person is a victim of or a witness to a crime that arose from the person's 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. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

And that after passage the title of the bill be amended to read:

An act relating to sexual exploitation of children and limited immunity from liability for a person reporting a crime.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

Senate Concurrent Resolution

The following joint concurrent resolution, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, was adopted on the part of the Senate:

By Senators Lyons, Cummings, Hardy, Hooker and Terenzini,
By Reps. Lippert and others,

S.C.R. 4.

Senate concurrent resolution recognizing the week of April 18–24 2021 as Medical Laboratory Professionals Week in Vermont and the essential role of Vermont’s medical laboratories during the COVID-19 pandemic.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Mrowicki and others,
By Senators Balint and White,

H.C.R. 45.

House concurrent resolution congratulating Christopher Hodsdon on being named the 2021 Robert F. Pierce Principal of the Year.

By Reps. Yantachka and others,
By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

H.C.R. 46.

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks boys’ Alpine State championship ski team.

By Reps. Yantachka and others,
By Senators Baruth, Chittenden, Lyons, Pearson, Ram and Sirotkin,

H.C.R. 47.

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks girls’ Alpine State championship ski team.

By Reps. Vyhovsky and others,

H.C.R. 48.

House concurrent resolution recognizing the special importance of social workers during the COVID-19 pandemic.

By Reps. Jerome and others,
By Senators Collamore, Hooker and Terenzini,

H.C.R. 49.

House concurrent resolution honoring Neshobe School principal Judi Pulsifer.

By the Committee on General, Housing, and Military Affairs,

H.C.R. 50.

House concurrent resolution recognizing April 2021 as Fair Housing Month in Vermont.

By Reps. Howard and others,

By Senators Collamore, Hooker and Terenzini,

H.C.R. 51.

House concurrent resolution recognizing April 2021 as Organ Donation Month in Vermont.

Adjournment

On motion of Senator Balint, the Senate adjourned, to reconvene on Tuesday, April 27, 2021, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 25.