

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 475
3 entitled “An act relating to the classification system for criminal offenses”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking Sec. 25 in its entirety and adding new Secs. 25- to
6 read as follows:

7 Sec. 1. 13 V.S.A. § 1023 is amended to read:

8 § 1023. SIMPLE ASSAULT

9 (a) A person is guilty of simple assault if he or she:

10 (1) attempts to cause or purposely, knowingly, or recklessly causes
11 bodily injury to another; ~~or~~

12 (2) negligently causes bodily injury to another with a deadly weapon; or

13 (3) attempts by physical menace to put another in fear of imminent
14 serious bodily injury.

15 (b) A person who is convicted of simple assault ~~shall be imprisoned for not~~
16 ~~more than one year or fined not more than \$1,000.00, or both~~ commits a Class
17 B misdemeanor, (1 year, \$2,500) unless the offense is committed in a fight or
18 scuffle entered into by mutual consent, in which case a person convicted of
19 simple assault ~~shall be imprisoned not more than 60 days or fined not more~~
20 ~~than \$500.00, or both~~ commits a Class D misdemeanor. (30 days, \$500)

21 Sec. 2. 13 V.S.A. § 1024 is amended to read:

1 § 1024. AGGRAVATED ASSAULT

2 (a) A person is guilty of aggravated assault if the person:

3 (1) attempts to cause serious bodily injury to another, or causes such
4 injury purposely, knowingly, or recklessly under circumstances manifesting
5 extreme indifference to the value of human life;

6 (2) attempts to cause or purposely or knowingly causes bodily injury to
7 another with a deadly weapon;

8 (3) for a purpose other than lawful medical or therapeutic treatment, the
9 person intentionally causes stupor, unconsciousness, or other physical or
10 mental impairment or injury to another person by administering to the other
11 person without the other person's consent a drug, substance, or preparation
12 capable of producing the intended harm;

13 (4) with intent to prevent a law enforcement officer from performing a
14 lawful duty, the person causes physical injury to any person; or

15 (5) is armed with a deadly weapon and threatens to use the deadly
16 weapon on another person.

17 (b) A person found guilty of violating a provision of subdivision (a)(1) or
18 (2) of this section ~~shall be imprisoned for not more than 15 years or fined not~~
19 ~~more than \$10,000.00, or both~~ commits a Class C felony. (10 years, \$25,000)

1 (c) A person found guilty of violating a provision of subdivision (a)(3), (4),
2 or (5) of this section ~~shall be imprisoned for not more than five years or fined~~
3 ~~not more than \$5,000.00, or both~~ commits a Class D felony. (5 years, \$10,000)

4 * * *

5 Sec. 3. 13 V.S.A. § 1026 is amended to read:

6 § 1026. DISORDERLY CONDUCT

7 (a) A person is guilty of disorderly conduct if ~~he or she~~ the person, with
8 intent to cause public inconvenience or annoyance, or recklessly creates a risk
9 thereof:

10 (1) engages in fighting or in violent, tumultuous, or threatening
11 behavior;

12 (2) makes unreasonable noise;

13 (3) in a public place, uses abusive or obscene language;

14 (4) without lawful authority, disturbs any lawful assembly or meeting of
15 persons; or

16 (5) obstructs vehicular or pedestrian traffic.

17 (b) A person who is convicted of disorderly conduct ~~shall be imprisoned~~
18 ~~for not more than 60 days or fined not more than \$500.00, or both.~~ A person
19 ~~who is convicted of a second or subsequent offense under this section shall be~~
20 ~~imprisoned for not more than 120 days or fined not more than \$1,000.00, or~~
21 ~~both~~ commits a Class D misdemeanor. (30 days, \$500)

1 Sec. 4. 13 V.S.A. § 1026a is amended to read:

2 § 1026a. AGGRAVATED DISORDERLY CONDUCT

3 (a) A person is guilty of aggravated disorderly conduct if he or she engages
4 in a course of conduct directed at a specific person with the intent to cause the
5 person inconvenience or annoyance, or to disturb the person's peace, quiet, or
6 right of privacy and:

7 (1) engages in fighting or in violent, tumultuous, or threatening
8 behavior;

9 (2) makes unreasonable noise;

10 (3) in a public place, uses abusive or obscene language; or

11 (4) threatens bodily injury or serious bodily injury, or threatens to
12 commit a felony crime of violence as defined in section 11a of this title.

13 (b) A person who is convicted of aggravated disorderly conduct ~~shall be~~
14 ~~imprisoned not more than 180 days or fined not more than \$2,000.00, or both~~
15 commits a Class C misdemeanor. (6 months, \$1,000)

16 Sec. 5. 13 V.S.A. § 1027 is amended to read:

17 § 1027. DISTURBING PEACE BY USE OF TELEPHONE OR OTHER
18 ELECTRONIC COMMUNICATIONS

19 (a) A person who, with intent to terrify, intimidate, threaten, harass, or
20 annoy, makes contact by means of a telephonic or other electronic
21 communication with another and makes any request, suggestion, or proposal

1 that is obscene, lewd, lascivious, or indecent; threatens to inflict injury or
2 physical harm to the person or property of any person; or disturbs, or attempts
3 to disturb, by repeated telephone calls or other electronic communications,
4 whether or not conversation ensues, the peace, quiet, or right of privacy of any
5 person at the place where the communication or communications are received
6 ~~shall be fined not more than \$250.00 or be imprisoned not more than three~~
7 ~~months, or both. If the defendant has previously been convicted of a violation~~
8 ~~of this section or of an offense under the laws of another state or of the United~~
9 ~~States that would have been an offense under this section if committed in this~~
10 ~~State, the defendant shall be fined not more than \$500.00 or imprisoned for not~~
11 ~~more than six months, or both~~ commits a Class D misdemeanor. (30 days,
12 \$500)

13 * * *

14 Sec. 6. 13 V.S.A. § 1028 is amended to read:

15 § 1028. ASSAULT OF PROTECTED PROFESSIONAL; ASSAULT WITH
16 BODILY FLUIDS

17 (a) A person convicted of a simple or aggravated assault against a protected
18 professional as defined in subdivision (d)(1) of this section while the protected
19 professional is performing a lawful duty, or with the intent to prevent the
20 protected professional from performing ~~his or her~~ the professional's lawful

1 duty, in addition to any other penalties imposed under sections 1023 and 1024
2 of this title, ~~shall~~:

3 (1) for the first offense, ~~be imprisoned not more than one year~~ commits
4 a Class B misdemeanor; (1 year, \$2,500)

5 (2) for the second offense and subsequent offenses, ~~be imprisoned not~~
6 ~~more than 10 years~~ commits a Class ~~E C~~ felony. (10 years, \$25,000)

7 (b)(1) No person shall intentionally cause blood, vomitus, excrement,
8 mucus, saliva, semen, or urine to come in contact with a protected professional
9 while the person is performing a lawful duty.

10 (2) A person who violates this subsection ~~shall be imprisoned not more~~
11 ~~than one year or fined not more than \$1,000.00, or both~~ commits a Class B
12 misdemeanor. (1 year, \$2,500)

13 * * *

14 Sec. 7. 13 V.S.A. § 1028a is amended to read:

15 § 1028a. ASSAULT OF CORRECTIONAL OFFICER; ASSAULT WITH

16 BODILY FLUIDS

17 (a) A person convicted of a simple or aggravated assault against an
18 employee of the Department of Corrections whose official duties or job
19 classification includes the supervision or monitoring of a person on parole,
20 probation, or serving any sentence of incarceration whether inside or outside a

1 correctional facility, and who was performing a lawful duty, in addition to any
2 other penalties imposed under sections 1023 and 1024 of this title, ~~shall:~~

3 (1) for the first offense, ~~be imprisoned not more than one year~~ commits
4 a Class B misdemeanor; (1 year, \$2,500) and

5 (2) for the second offense and subsequent offenses, ~~be imprisoned not~~
6 ~~more than 10 years~~ commits a Class ~~E C~~ felony. (10 years, \$25,000)

7 (b) No person shall intentionally cause blood, vomitus, excrement, mucus,
8 saliva, semen, or urine to come in contact with:

9 (1) any person lawfully present in a correctional facility unless the
10 person's presence within the facility requires the contact; or

11 (2) an employee of a correctional facility acting in the scope of
12 employment unless the employee's scope of employment requires the contact.

13 (c) A person who violates subsection (b) of this section ~~shall be imprisoned~~
14 ~~not more than two years or fined not more than \$1,000.00, or both~~ commits a
15 Class ~~B A~~ misdemeanor. (2 years, \$5,000)

16 (d) A sentence imposed for a conviction of this section shall be served
17 consecutively with and not concurrently with any other sentence.

1 Sec. 8. 13 V.S.A. § 1030 is amended to read:

2 § 1030. VIOLATION OF AN ABUSE PREVENTION ORDER, AN ORDER
3 AGAINST STALKING OR SEXUAL ASSAULT, OR A
4 PROTECTIVE ORDER CONCERNING CONTACT WITH A
5 CHILD

6 (a) A person who intentionally commits an act prohibited by a court or who
7 fails to perform an act ordered by a court, in violation of an abuse prevention
8 order issued under 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69, a protective
9 order that concerns contact with a child and is issued under 33 V.S.A.
10 chapter 51, or an order against stalking or sexual assault issued under
11 12 V.S.A. chapter 178, after the person has been served notice of the contents
12 of the order as provided in those chapters; or in violation of a foreign abuse
13 prevention order or an order against stalking or sexual assault issued by a court
14 in any other state, federally recognized Indian tribe, territory or possession of
15 the United States, the Commonwealth of Puerto Rico, or the District of
16 Columbia ~~shall be imprisoned not more than one year or fined not more than~~
17 ~~\$5,000.00, or both~~ commits a Class B misdemeanor. (1 year, \$2,500)

18 (b) A person who is convicted of a second or subsequent offense under this
19 section or is convicted of an offense under this section and has previously been
20 convicted of domestic assault under section 1042 of this title, first degree
21 aggravated domestic assault under section 1043 of this title, or second degree

1 aggravated domestic assault under section 1044 of this title ~~shall be imprisoned~~
2 ~~not more than three years or fined not more than \$25,000.00, or both~~ commits
3 a Class E felony. (3 years, \$7,500)

4 * * *

5 Sec. 9. 13 V.S.A. § 1031 is amended to read:

6 § 1031. INTERFERENCE WITH ACCESS TO EMERGENCY SERVICES

7 A person who, during or after the commission of a crime, willfully prevents
8 or attempts to prevent a person from seeking or receiving emergency medical
9 assistance, emergency assistance from a third party, or emergency assistance
10 from law enforcement ~~shall be imprisoned not more than one year or fined not~~
11 ~~more than \$5,000.00, or both~~ commits a Class B misdemeanor. (1 year,
12 \$2,500)

13 Sec. 10. 13 V.S.A. § 1042 is amended to read:

14 § 1042. DOMESTIC ASSAULT

15 Any person who attempts to cause or willfully or recklessly causes bodily
16 injury to a family or household member or willfully causes a family or
17 household member to fear imminent serious bodily injury ~~shall be imprisoned~~
18 ~~not more than 18 months or fined not more than \$5,000.00, or both~~ commits a
19 Class A misdemeanor. (2 years, \$5,000)

20 Sec. 11. 13 V.S.A. § 1043 is amended to read:

21 § 1043. FIRST DEGREE AGGRAVATED DOMESTIC ASSAULT

1 (a) A person commits the crime of first degree aggravated domestic assault
2 if the person:

3 (1) attempts to cause or willfully or recklessly causes serious bodily
4 injury to a family or household member; ~~or~~

5 (2) uses, attempts to use, or is armed with a deadly weapon and
6 threatens to use the deadly weapon on a family or household member; or

7 (3) commits the crime of domestic assault and has been previously
8 convicted of aggravated domestic assault.

9 (b) A person who commits the crime of first degree aggravated domestic
10 assault ~~shall be imprisoned not more than 15 years or fined not more than~~
11 ~~\$25,000.00, or both~~ commits a Class C felony and shall, in addition to the
12 ~~penalty for that offense, be imprisoned not more than an additional 5 years.~~
13 (10 years plus 5 additional, \$25,000)

14 (c) Conduct constituting the offense of first degree aggravated domestic
15 assault under this section shall be considered a violent act for the purpose of
16 determining bail.

17 Sec. 12. 13 V.S.A. § 1044 is amended to read:

18 § 1044. SECOND DEGREE AGGRAVATED DOMESTIC ASSAULT

19 (a) A person commits the crime of second degree aggravated domestic
20 assault if the person:

21 (1) Commits the crime of domestic assault and such conduct violates:

1 (A) specific conditions of a criminal court order in effect at the time
2 of the offense imposed to protect that other person;

3 (B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a
4 similar order issued in another jurisdiction;

5 (C) a final order against stalking or sexual assault issued under
6 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

7 (D) a final order against abuse of a vulnerable adult issued under
8 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

9 (2) Commits the crime of domestic assault; and:

10 (A) has a prior conviction within the last 10 years for violating an
11 abuse prevention order issued under section 1030 of this title; or

12 (B) has a prior conviction for domestic assault under section 1042 of
13 this title or a prior conviction in another jurisdiction for an offense that, if
14 committed within the State, would constitute a violation of section 1042 of this
15 title.

16 (3) As used in this subsection:

17 (A) “Issued in another jurisdiction” means issued by a court in any
18 other state; in a federally recognized Indian tribe, territory, or possession of the
19 United States; in the Commonwealth of Puerto Rico; or in the District of
20 Columbia.

1 (B) “Prior conviction in another jurisdiction” means a conviction
2 issued by a court in any other state; in a federally recognized Indian tribe,
3 territory, or possession of the United States; in the Commonwealth of Puerto
4 Rico; or in the District of Columbia.

5 (b) A person who commits the crime of second degree aggravated domestic
6 assault ~~shall be imprisoned not more than five years or fined not more than~~
7 ~~\$10,000.00, or both~~ commits a Class D felony. (5 years, \$10,000)

8 * * *

9 Sec. 13. 13 V.S.A. § 1062 is amended to read:

10 § 1062. STALKING

11 Any person who intentionally stalks another person ~~shall be imprisoned not~~
12 ~~more than two years or fined not more than \$5,000.00, or both~~ commits a Class
13 A misdemeanor. (2 years, \$5,000)

14 Sec. 14 13 V.S.A. § 1063 is amended to read:

15 § 1063. AGGRAVATED STALKING

16 (a) A person commits the crime of aggravated stalking if the person
17 intentionally stalks another person, and:

18 (1) such conduct violates a court order that prohibits stalking and is in
19 effect at the time of the offense;

20 (2) has been previously convicted of stalking or aggravated stalking;

1 (1) “Building,” “premises,” and “structure” shall, in addition to their
2 common meanings, include and mean any portion of a building, structure, or
3 premises that differs from one or more other portions of such building,
4 structure, or premises with respect to license or privilege to enter, or to being
5 open to the public.

6 (2) “Occupied dwelling” means a building used as a residence, either
7 full time or part time, regardless of whether someone is actually present in the
8 building at the time of entry.

9 (c)(1) A person convicted of burglary ~~shall be imprisoned not more than 15~~
10 ~~years or fined not more than \$1,000.00, or both~~ commits a Class C felony. (10
11 years, \$25,000)

12 (2) A person convicted of burglary and who carries a dangerous or
13 deadly weapon, openly or concealed, shall, in addition to the penalty for the
14 underlying crime, be imprisoned not more than ~~20~~ 5 years ~~or fined not more~~
15 ~~than \$10,000.00, or both.~~ (15 years, \$25,000)

16 (3) A person convicted of burglary into an occupied dwelling:

17 (A) ~~shall be imprisoned not more than 25 years or fined not more~~
18 ~~than \$1,000.00, or both; or~~

19 (B) shall, in addition to the penalty for the underlying crime, be
20 imprisoned not more than ~~30~~ 5 years ~~or fined not more than \$10,000.00, or~~

1 both, if the person carried a dangerous or deadly weapon, openly or concealed,
2 during commission of the offense. (15 years, \$25,000)

3 (4) When imposing a sentence under this section, the court shall
4 consider as an aggravating factor whether, during commission of the offense,
5 the person entered the building when someone was actually present or used or
6 threatened to use force against the occupant.

7 Sec. 16. 13 V.S.A. § 1204 is amended to read:

8 § 1204. MAKING OR HAVING BURGLAR’S TOOLS

9 A person who manufactures or knowingly has in ~~his or her~~ the person’s
10 possession any engine, machine, tool, or implement, adapted and designed for
11 cutting through, forcing or breaking open any building, room, vault, safe, or
12 other depository, in order to steal therefrom money or other property, knowing
13 the same to be adapted and designed for such purpose, with intent to use or
14 employ the same therefor, ~~shall be imprisoned not more than 20 years or fined~~
15 ~~not more than \$10,000.00, or both~~ commits a Class D felony. (5 years,

16 \$10,000)

17 Sec. 17. 13 V.S.A. § 2405 is amended to read:

18 § 2405. KIDNAPPING

19 * * *

20 (b) Kidnapping is ~~punishable by a maximum sentence of life imprisonment~~
21 ~~or a fine of not more than \$50,000.00, or both~~ a Class A felony. (Life,

1 **\$100,000** It is, however, an affirmative defense ~~which~~ that reduces the penalty
2 to ~~imprisonment for not more than 30 years or a fine of not more than~~
3 ~~\$50,000.00, or both,~~ a Class B felony **(20 years, \$50,000)** that the defendant
4 voluntarily caused the release of the victim alive in a safe place before
5 arraignment without having caused serious bodily injury to the victim.

6 Sec. 18. 13 V.S.A. § 2406 is amended to read:

7 § 2406. UNLAWFUL RESTRAINT IN THE SECOND DEGREE

8 (a) A person commits the crime of unlawful restraint in the second degree
9 if the person:

10 (1) not being a relative of a person under ~~the age of 18~~ years of age,
11 knowingly takes, entices, or harbors that person, without the consent of the
12 person's custodian, knowing that he or she has no right to do so; ~~or~~

13 (2) knowingly takes or entices from lawful custody or harbors any
14 person who is mentally incompetent, or other person entrusted by authority of
15 law to the custody of another person or an institution, without the consent of
16 the person or institution, knowing that he or she has no right to do so; or

17 (3) knowingly restrains another person.

18 (b) It is a defense to a prosecution under this section that the defendant
19 acted reasonably and in good faith to protect the person from imminent
20 physical or emotional danger.

1 (c) Unlawful restraint in the second degree is ~~punishable by imprisonment~~
2 ~~for not more than five years or a fine of not more than \$25,000.00, or both a~~
3 Class D felony. (5 years, \$10,000)

4 Sec. 19. 13 V.S.A. § 2407 is amended to read:

5 § 2407. UNLAWFUL RESTRAINT IN THE FIRST DEGREE

6 (a) A person commits the crime of unlawful restraint in the first degree if
7 that person:

8 (1) knowingly restrains another person under circumstances exposing
9 that person to a risk of serious bodily injury; or

10 (2) holds another person in a condition of involuntary servitude.

11 (b) Unlawful restraint in the first degree is ~~punishable by imprisonment for~~
12 ~~not more than 15 years or a fine of not more than \$50,000.00, or both a Class C~~
13 felony. (10 years, \$25,000)

14 Sec. 20. 13 V.S.A. § 2451 is amended to read:

15 § 2451. CUSTODIAL INTERFERENCE

16 (a) A person commits custodial interference by taking, enticing, or keeping
17 a child from the child's lawful custodian, knowingly, without a legal right to
18 do so, when the person is a relative of the child and the child is less than
19 18 years ~~old~~ of age.

1 (b) A person who commits custodial interference ~~shall be imprisoned not~~
2 ~~more than five years or fined not more than \$5,000.00, or both~~ commits a Class
3 D felony. (5 years, \$10,000)

4 * * *

5 Sec. 21. 13 V.S.A. § 608 is amended to read:

6 § 608. ASSAULT AND ROBBERY

7 (a) A person who assaults another and robs, steals, or takes from ~~his or her~~
8 the other person or in ~~his or her~~ the other person's presence money or other
9 property that may be the subject of larceny ~~shall be imprisoned for not more~~
10 ~~than 10 years~~ commits a Class C felony. (10 years, \$25,000)

11 (b) A person who, being armed with a dangerous weapon, assaults another
12 and robs, steals, or takes from ~~his or her~~ the other person or in ~~his or her~~ the
13 other person's presence money or other property that may be the subject of
14 larceny shall, in addition to the penalty for the underlying crime, be imprisoned
15 for not more than ~~15~~ 5 years nor less than one year. (15 years, \$25,000)

16 (c) If in the attempt or commission of an offense under subsection (a) or (b)
17 of this section, a person causes bodily injury, ~~such~~ the person shall, in addition
18 to the penalty for the underlying crime, be imprisoned for not more than ~~20~~ 5
19 years nor less than one year. ~~Any penalty imposed under this subsection shall~~
20 ~~be in lieu of any penalty imposed under subsection (a) or (b) of this section.~~
21 (15 years, \$25,000)

1 Sec. 22. 13 V.S.A. § 2303 is amended to read:

2 § 2303. PENALTIES FOR FIRST AND SECOND DEGREE MURDER

3 (a)(1) ~~The punishment for murder~~ Murder in the first degree shall be a
4 Class A felony punishable by imprisonment for:

5 (A) a minimum term of not less than 35 years and a maximum term
6 of life; or

7 (B) life without the possibility of parole. (Life; possible life without
8 parole; \$100,000)

9 (2) ~~The punishment for murder~~ Murder in the second degree shall be
10 shall be a Class A felony punishable by imprisonment for:

11 (A) a minimum term of not less than 20 years and a maximum term
12 of life; or

13 (B) life without the possibility of parole. (Life; possible life without
14 parole; \$100,000)

15 (3) Notwithstanding any other provision of law, this subsection shall
16 apply only if the murder was committed on or after ~~the effective date of this act~~
17 May 1, 2006.

18 (b) ~~The punishment for murder~~ Murder in the first degree shall be a Class
19 A felony punishable by imprisonment for life and for a minimum term of 35
20 years unless a jury finds that there are aggravating or mitigating factors ~~which~~
21 that justify a different minimum term. If the jury finds that the aggravating

1 factors outweigh any mitigating factors, the court may set a minimum term
2 longer than 35 years, up to and including life without parole. If the jury finds
3 that the mitigating factors outweigh any aggravating factors, the court may set
4 a minimum term at less than 35 years but not less than 15 years.

5 (c) ~~The punishment for murder~~ Murder in the second degree shall be a
6 Class A felony punishable by imprisonment for life and for a minimum term of
7 20 years unless a jury finds that there are aggravating or mitigating factors
8 which ~~that~~ justify a different minimum term. If the jury finds that the
9 aggravating factors outweigh any mitigating factors, the court may set a
10 minimum term longer than 20 years, up to and including life without parole. If
11 the jury finds that the mitigating factors outweigh any aggravating factors, the
12 court may set a minimum term at less than 20 years but not less than 10 years.

13 * * *

14 (g) Subsections (b)-(f) of this section shall apply only if the murder was
15 committed before ~~the effective date of this act~~ May 1, 2006, and:

16 (1) the defendant was not sentenced before ~~the effective date of this act~~
17 May 1, 2006; or

18 (2) the defendant's sentence was stricken and remanded for resentencing
19 pursuant to the Vermont Supreme Court's decision in State v. Provost, 2005
20 VT 134 (2005).

21 Sec. 23. 13 V.S.A. § 2304 is amended to read:

1 § 2304. MANSLAUGHTER- PENALTIES

2 A person who commits manslaughter ~~shall be fined not more than~~
3 ~~\$3,000.00 or imprisoned for not less than one year nor more than 15 years, or~~
4 ~~both~~ commits a Class C felony commits a Class C felony and shall, in addition
5 to the penalty for that offense, be imprisoned not more than an additional 5
6 years. (10 years plus 5 additional, \$25,000).

7 Sec. 24. 13 V.S.A. § 1378 is amended to read:

8 § 1378. NEGLECT

9 (a) A caregiver who intentionally or recklessly neglects a vulnerable adult
10 ~~shall be imprisoned not more than 18 months or fined not more than~~
11 ~~\$10,000.00, or both~~ commits a Class A misdemeanor. (2 years, \$5,000)

12 (b) A caregiver who violates subsection (a) of this section, and as a result
13 of such neglect, serious bodily injury occurs to the vulnerable adult, ~~shall be~~
14 ~~imprisoned not more than 15 years or fined not more than \$10,000.00, or both~~
15 commits a Class B misdemeanor. (1 year, \$2,500)

16 Sec. 25. 13 V.S.A. § 205 is amended to read:

17 § 205. INTERMARRIAGE OF OR FORNICATION BY PERSONS
18 PROHIBITED TO MARRY

19 Persons between whom marriages are prohibited by the laws of this State
20 ~~who shall not~~ intermarry or commit fornication with each other ~~shall be~~
21 ~~imprisoned not more than five years or fined not more than \$1,000.00, or both.~~

1 A person who violates this section commits a Class D felony. (5 years,
2 \$10,000)

3 Sec. 26. 13 V.S.A. § 1379 is amended to read:

4 § 1379. SEXUAL ABUSE

5 (a) A person who volunteers for or is paid by a caregiving facility or
6 program shall not engage in any sexual activity with a vulnerable adult. It shall
7 be an affirmative defense to a prosecution under this subsection that the sexual
8 activity was consensual between the vulnerable adult and a caregiver who was
9 hired, supervised, and directed by the vulnerable adult. A person who violates
10 this subsection ~~shall be imprisoned for not more than two years or fined not~~
11 ~~more than \$10,000.00, or both~~ commits a Class A misdemeanor. (2 years,
12 \$5,000)

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

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

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

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

1 (1) ~~imprisoned for not more than five years or fined not more than~~
2 ~~\$10,000.00, or both,~~ commits a Class ~~C~~ **D** felony **(5 years, \$10,000)** if the
3 sexual activity involves lewd and lascivious conduct;

4 (2) ~~imprisoned for not more than 20 years or fined not more than~~
5 ~~\$10,000.00, or both,~~ commits a Class **A B** felony **(20 years, \$50,000)** if the
6 sexual activity involves a sexual act.

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

8 (1) ~~imprisoned for not more than seven years or fined not more than~~
9 ~~\$10,000.00, or both,~~ commits a Class C felony **(10 years, \$25,000)** if the
10 sexual activity involves lewd and lascivious conduct.

11 (2) ~~imprisoned for not more than 25 years or fined not more than~~
12 ~~\$10,000.00, or both,~~ commits a Class A felony **(life, \$100,000)** if the sexual
13 activity involves a sexual act.

14 Sec. 27. 13 V.S.A. § 2601 is amended to read:

15 § 2601. LEWD AND LASCIVIOUS CONDUCT

16 A person guilty of open and gross lewdness and lascivious behavior ~~shall be~~
17 ~~imprisoned not more than five years or fined not more than \$300.00, or both~~
18 commits a Class D felony. **(5 years, \$10,000)**

19 Sec. 28. 13 V.S.A. § 2601a is amended to read:

20 § 2601A. PROHIBITED CONDUCT

21 (a) No person shall engage in open and gross lewdness.

1 (b) A person who violates this section shall:

2 (1) ~~be imprisoned not more than one year or fined not more than~~
3 ~~\$300.00, or both,~~ commits a Class B misdemeanor (1 year, \$2,500) for a first
4 offense; and

5 (2) ~~be imprisoned not more than two years or fined not more than~~
6 ~~\$1,000.00, or both,~~ commits a Class A misdemeanor (2 years, \$5,000) for a
7 second or subsequent offense.

8 Sec. 29. 13 V.S.A. § 2602 is amended to read:

9 § 2602. LEWD OR LASCIVIOUS CONDUCT WITH CHILD

10 (a)(1) No person shall willfully and lewdly commit any lewd or lascivious
11 act upon or with the body, or any part or member thereof, of a child under the
12 age of 16 years, with the intent of arousing, appealing to, or gratifying the lust,
13 passions, or sexual desires of such person or of such child.

14 (2) This section shall not apply if the person is less than 19 years old, the
15 child is at least 15 years old, and the conduct is consensual.

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

17 (1) For a first offense, ~~imprisoned not less than two years and not more~~
18 ~~than 15 years, and, in addition, may be fined not more than \$5,000.00, or both~~
19 commits a Class ~~C~~ B felony and shall be imprisoned not less than two years.
20 (20 years, \$50,000)

1 (2) For a second offense, ~~imprisoned not less than five years and a~~
2 ~~maximum term of life, and, in addition, may be fined not more than~~
3 ~~\$25,000.00, or both~~ commits a Class A felony and shall be imprisoned not less
4 than five years. (life, \$100,000)

5 (3) For a third or subsequent offense, ~~imprisoned not less than 10 years~~
6 ~~and a maximum term of life, and, in addition, may be fined not more than~~
7 ~~\$25,000.00, or both~~ commits a Class A felony and shall be imprisoned not less
8 than ten years. (life, \$100,000)

9 (c)(1) Except as provided in subdivision (2) of this subsection, a sentence
10 ordered pursuant to subdivision (b)(2) of this section shall include at least a
11 five-year term of imprisonment and a sentence ordered pursuant to subdivision
12 (b)(3) of this section shall include at least a 10-year term of imprisonment. The
13 five-year and 10-year terms of imprisonment required by this subdivision shall
14 be served and may not be suspended, deferred, or served as a supervised
15 sentence. The defendant shall not be eligible for probation, parole, furlough, or
16 any other type of early release until the expiration of the five-year or 10-year
17 term of imprisonment.

18 (2) The court may depart downwardly from the five-year and 10-year
19 terms of imprisonment required by subdivisions (b)(2) and (3) of this section
20 and impose a lesser term of incarceration if the court makes written findings on

1 the record that the downward departure will serve the interests of justice and
2 public safety.

3 (d) A person convicted of violating subdivision (b)(2) or (3) of this section
4 shall be sentenced under section 3271 of this title.

5 * * *

6 Sec. 30. 13 V.S.A. § 2605 is amended to read:

7 § 2605. VOYEURISM

8 * * *

9 (b) No person shall intentionally view, photograph, film, or record in any
10 format:

11 (1) the intimate areas of another person without that person's knowledge
12 and consent while the person being viewed, photographed, filmed, or recorded
13 is in a place where he or she would have a reasonable expectation of privacy;
14 or

15 (2) the intimate areas of another person without that person's knowledge
16 and consent and under circumstances in which the person has a reasonable
17 expectation of privacy.

18 (c) No person shall display or disclose to a third party any image recorded
19 in violation of subsection (b), (d), or (e) of this section.

20 (d) No person shall intentionally conduct surveillance or intentionally
21 photograph, film, or record in any format a person without that person's

1 knowledge and consent while the person being surveilled, photographed,
2 filmed, or recorded is in a place where he or she would have a reasonable
3 expectation of privacy within a home or residence. Bona fide private
4 investigators and bona fide security guards engaged in otherwise lawful
5 activities within the scope of their employment are exempt from this
6 subsection.

7 (e) No person shall intentionally photograph, film, or record in any format a
8 person without that person's knowledge and consent while that person is in a
9 place where a person has a reasonable expectation of privacy and that person is
10 engaged in sexual conduct.

11 * * *

12 (j) For a first offense, ~~a person who violates subsection (b), (d), or (e) of this~~
13 ~~section shall be imprisoned not more than two years or fined not more than~~
14 ~~\$1,000.00, or both~~ commits a Class A misdemeanor. (2 years, \$5,000) For a
15 second or subsequent offense, a person who violates subsection (b), (d), or (e)
16 of this section ~~shall be imprisoned not more than three years or fined not more~~
17 ~~than \$5,000.00, or both~~ commits a Class E felony. (3 years, \$7,500) A person
18 who violates subsection (c) of this section ~~shall be imprisoned not more than~~
19 ~~five years or fined not more than \$5,000.00, or both~~ commits a Class D felony.
20 (5 years, \$10,000)

21 Sec. 31. 13 V.S.A. § 2606 is amended to read:

1 § 2606. DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT
2 CONSENT

3 * * *

4 (b)(1) A person violates this section if he or she knowingly discloses a
5 visual image of an identifiable person who is nude or who is engaged in sexual
6 conduct, without his or her consent, with the intent to harm, harass, intimidate,
7 threaten, or coerce the person depicted, and the disclosure would cause a
8 reasonable person to suffer harm. A person may be identifiable from the image
9 itself or information offered in connection with the image. Consent to
10 recording of the visual image does not, by itself, constitute consent for
11 disclosure of the image. A person who violates this subdivision (1) ~~shall be~~
12 ~~imprisoned not more than two years or fined not more than \$2,000.00, or both~~
13 commits a Class A misdemeanor. (2 years, \$5,000)

14 (2) A person who violates subdivision (1) of this subsection with the
15 intent of disclosing the image for financial profit ~~shall be imprisoned not more~~
16 ~~than five years or fined not more than \$10,000.00, or both~~ commits a Class D
17 felony. (5 years, \$10,000)

18 * * *

19 Sec. 32. 13 V.S.A. § 2632 is amended to read:

20 § 2632. PROSTITUTION

21 (a) A person shall not:

1 (1) occupy a place, structure, building, or conveyance for the purpose of
2 prostitution, lewdness, or assignation;

3 (2) knowingly permit a place, structure, building, or conveyance owned
4 by the person or under the person’s control to be used for the purpose of
5 prostitution, lewdness, or assignation;

6 (3) receive or offer, or agree to receive, a person into a place, structure,
7 building, or conveyance for the purpose of prostitution, lewdness, or
8 assignation;

9 (4) permit a person to remain in a place, structure, building, or
10 conveyance for the purpose of prostitution, lewdness, or assignation;

11 (5) direct, take or transport, or offer or agree to take or transport a person
12 to a place, structure, building, or conveyance or to any other person knowingly,
13 or with reasonable cause to know that the purpose of such directing, taking, or
14 transporting is prostitution, lewdness, or assignation;

15 (6) procure or solicit or offer to procure or solicit a person for the
16 purpose of prostitution, lewdness, or assignation;

17 (7) reside in, enter or remain in a place, structure, or building or enter or
18 remain in a conveyance for the purpose of prostitution, lewdness, or
19 assignation;

20 (8) engage in prostitution, lewdness, or assignation; or

1 (9) aid or abet prostitution, lewdness, or assignation, by any means
2 whatsoever.

3 (b) A person who violates a provision of subsection (a) of this section ~~shall~~
4 ~~be fined not more than \$100.00 or may be imprisoned not more than one year~~
5 commits a Class B misdemeanor. (1 year, \$2,500) For a second offense such
6 person ~~shall be imprisoned for not more than three years~~ commits a Class A
7 misdemeanor. (2 years, \$5,000)

8 Sec. 33. 13 V.S.A. § 2635 is amended to read:

9 § 2635. SLAVE TRAFFIC

10 (a) A person shall not:

11 (1) induce, entice, or procure a person to come into the State or to go
12 from the State for the purpose of prostitution or for any immoral purpose or to
13 enter a house of prostitution in the State;

14 (2) willfully or knowingly aid such person in obtaining transportation to
15 or within the State for such purposes;

16 (3) place a person in the charge or custody of another person for immoral
17 purposes or in a house of prostitution;

18 (4) induce, entice, procure, or compel such person to reside in a house of
19 prostitution; or

20 (5) induce, entice, procure, or compel such person to live a life of
21 prostitution.

1 (b) A person ~~violating a provision hereof shall be imprisoned not more than~~
2 ~~10 years nor less than one year or fined not more than \$2,000.00 nor less than~~
3 ~~\$200.00, or both~~ who violates this section commits a Class C felony and shall
4 be imprisoned not less than one year. (10 years, \$25,000)

5 Sec. 34. 13 V.S.A. § 2636 is amended to read:

6 § 2636. UNLAWFUL PROCUREMENT

7 (a) A person shall not:

8 (1) induce, entice, procure, or compel a person, for the purpose of
9 prostitution or for any other immoral purposes, to enter a house of prostitution;

10 (2) receive money or other valuable consideration for or on account of
11 placing a person in a house of prostitution;

12 (3) pay money or other valuable consideration to procure a person for the
13 purpose of placing such person for immoral purposes in a house of prostitution,
14 with or without the person's consent; or

15 (4) knowingly receive money or other valuable thing for or on account of
16 procuring or placing a person in a house of prostitution for immoral purposes,
17 with or without the person's consent.

18 (b) A person ~~violating a provision hereof shall be punished as provided in~~
19 ~~section 2635 of this title~~ who violates this section commits a Class C felony.

20 (10 years, \$25,000)

21 Sec. 35. 13 V.S.A. § 2637 is amended to read:

1 § 2637. APPROPRIATING OR LEVYING UPON EARNINGS OF
2 PROSTITUTE

3 (a) A person shall not:

4 (1) hold, detain, or restrain a person in a house of prostitution for the
5 purpose of compelling such person, directly or indirectly, by the person's
6 voluntary or involuntary service or labor, to pay, liquidate, or cancel a debt,
7 dues, or obligations incurred or claimed to have been incurred in such house of
8 prostitution; or

9 (2) accept, receive, levy, or appropriate money or other valuable thing
10 from the proceeds or earnings of a person engaged in prostitution.

11 (b) An acceptance, receipt, levy, or appropriation of such money or valuable
12 thing shall be presumptive evidence of lack of consideration.

13 (c) A person who violates a provision of this section ~~shall be punished as~~
14 ~~provided in section 2635 of this title~~ commits a Class C felony. (10 years,
15 \$25,000)

16 Sec. 36. 13 V.S.A. § 2652 is amended to read:

17 § 2652. HUMAN TRAFFICKING

18 (a) No person shall knowingly:

19 (1) recruit, entice, harbor, transport, provide, or obtain by any means a
20 person under the age of 18 for the purpose of having the person engage in a
21 commercial sex act;

1 (2) recruit, entice, harbor, transport, provide, or obtain a person through
2 force, fraud, or coercion for the purpose of having the person engage in a
3 commercial sex act;

4 (3) compel a person through force, fraud, or coercion to engage in a
5 commercial sex act;

6 (4) benefit financially or by receiving anything of value from
7 participation in a venture, knowing that force, fraud, or coercion was or will be
8 used to compel any person to engage in a commercial sex act as part of the
9 venture;

10 (5) subject a person to labor servitude;

11 (6) recruit, entice, harbor, transport, provide, or obtain a person for the
12 purpose of subjecting the person to labor servitude; or

13 (7) benefit financially or by receiving anything of value from
14 participation in a venture, knowing that a person will be subject to labor
15 servitude as part of the venture.

16 (b) A person who violates subsection (a) of this section ~~shall be imprisoned~~
17 ~~for a term up to and including life or fined not more than \$500,000.00, or both~~
18 commits a Class A felony. (life, \$100,000)

19 * * *

20 Sec. 37. 13 V.S.A. § 2653 is amended to read:

21 § 2653. AGGRAVATED HUMAN TRAFFICKING

1 (a) A person commits the crime of aggravated human trafficking if the
2 person commits human trafficking in violation of section 2652 of this title
3 under any of the following circumstances:

4 (1) the offense involves a victim of human trafficking who is a child
5 under the age of 18;

6 (2) the person has previously been convicted of a violation of section
7 2652 of this title;

8 (3) the victim of human trafficking suffers serious bodily injury or death;
9 or

10 (4) the actor commits the crime of human trafficking under
11 circumstances that constitute the crime of sexual assault as defined in section
12 3252 of this title, aggravated sexual assault as defined in section 3253 of this
13 title, or aggravated sexual assault of a child as defined in section 3253a of this
14 title.

15 (b) A person who violates this section ~~shall be imprisoned not less than 20~~
16 ~~years and a maximum term of life or fined not more than \$100,000.00, or both~~
17 ~~commits a Class A felony~~ and shall be imprisoned not less than 20 years. (life,
18 \$100,000)

19 (c) The provisions of this section do not limit or restrict the prosecution for
20 murder or manslaughter.

21 Sec. 38. 13 V.S.A. § 2654 is amended to read:

1 § 2654. PATRONIZING OR FACILITATING HUMAN TRAFFICKING

2 (a) No person shall knowingly:

3 (1) permit a place, structure, or building owned by the person or under
4 the person's control to be used for the purpose of human trafficking;

5 (2) receive or offer or agree to receive or offer a person into a place,
6 structure, or building for the purpose of human trafficking; or

7 (3) permit a person to remain in a place, structure, building, or
8 conveyance for the purpose of human trafficking.

9 (b) A person who violates this section ~~shall be imprisoned not more than~~
10 ~~five years or fined not more than \$100,000.00, or both~~ commits a Class D
11 felony. (5 years, \$10,000)

12 Sec. 39. 13 V.S.A. § 2655 is amended to read:

13 § 2655. SOLICITATION

14 (a) No person shall knowingly solicit a commercial sex act from a victim of
15 human trafficking.

16 (b) A person who violates this section ~~shall be imprisoned not more than~~
17 ~~five years or fined not more than \$100,000.00, or both~~ commits a Class D
18 felony. (5 years, \$10,000).

19 Sec. 40. 13 V.S.A. § 2802b is amended to read:

20 § 2802B. MINOR ELECTRONICALLY DISSEMINATING INDECENT
21 MATERIAL TO ANOTHER PERSON

1 (a)(1) No minor shall knowingly and voluntarily and without threat or
2 coercion use a computer or electronic communication device to transmit an
3 indecent visual depiction of himself or herself to another person.

4 (2) No person shall possess a visual depiction transmitted to the person
5 in violation of subdivision (1) of this subsection. It shall not be a violation of
6 this subdivision if the person took reasonable steps, whether successful or not,
7 to destroy or eliminate the visual depiction.

8 (b) Penalties; minors.

9 (1) Except as provided in subdivision (3) of this subsection, a minor who
10 violates subsection (a) of this section shall be adjudicated delinquent. An
11 action brought under this subdivision (1) shall be filed in family court and
12 treated as a juvenile proceeding pursuant to 33 V.S.A. chapter 52, and may be
13 referred to the juvenile diversion program of the district in which the action is
14 filed.

15 (2) A minor who violates subsection (a) of this section and who has not
16 previously been adjudicated in violation of that section shall not be prosecuted
17 under chapter 64 of this title (sexual exploitation of children), and shall not be
18 subject to the requirements of chapter 167, subchapter 3 of this title (sex
19 offender registration).

20 (3) A minor who violates subsection (a) of this section who has
21 previously been adjudicated in violation of that section may be adjudicated in

1 ~~family court~~ as the Family Division under subdivision (b)(1) of this section or
2 prosecuted for a Class C misdemeanor (6 months, \$1,000) in ~~district court~~ the
3 Criminal Division under chapter 64 of this title (sexual exploitation of
4 children), but shall not be subject to the requirements of chapter 167,
5 subchapter 3 of this title (sex offender registration).

6 (4) Notwithstanding any other provision of law, the records of a minor
7 who is adjudicated delinquent under this section shall be expunged when the
8 minor reaches 18 years of age.

9 (c) Penalties; adults. A person 18 years of age or older who violates
10 subdivision (a)(2) of this section ~~shall be fined not more than \$300.00 or~~
11 ~~imprisoned for not more than six months, or both~~ commits a Class C
12 misdemeanor. (6 months, \$1,000)

13 * * *

14 Sec. 41. 13 V.S.A. § 2807 is amended to read:

15 § 2807. PENALTY

16 A person who violates any provision of section 2802 (disseminating
17 indecent material to a minor in the presence of the minor), 2802a
18 (disseminating indecent material to a minor outside the presence of the minor),
19 2803 (hiring/permitting a minor to distribute indecent material), 2804
20 (exhibiting film or show harmful to minors), 2804a (publicly displaying sex or
21 nudity for advertising purposes), or 2804b (displaying obscene material to

1 ~~minors) of this title shall be imprisoned not more than one year or fined not~~
2 ~~more than \$1,000.00, or both~~ commits a Class B misdemeanor. (1 year,
3 \$2,500)

4 Sec. 42. 13V.S.A. § 2825 is amended to read:

5 § 2825. PENALTIES

6 (a) A person who violates section 2822 (use of a child in a sexual
7 performance), 2823 (parent/guardian consenting to use of a child in a sexual
8 performance), or 2824 (promoting a recording of sexual conduct by a child) of
9 this title ~~shall be imprisoned not more than 10 years or fined not more than~~
10 ~~\$20,000.00, or both~~ commits a Class C felony. (10 years, \$25,000)

11 (b) Upon conviction for a violation of section 2822, 2823, or 2824 of this
12 title of a person who has earlier been convicted under any of those sections, the
13 person shall be ~~imprisoned not less than one year nor more than 15 years or~~
14 ~~fined not more than \$50,000.00, or both~~ punished for a Class B felony and
15 ~~shall be imprisoned not less than one year.~~ [Repealed.]

16 (c) A person who violates section 2827 (possession of child sexual abuse
17 material) this title by possessing or accessing with intent to view a photograph,
18 film, or visual depiction, including a depiction stored electronically, which
19 constitutes:

20 (1) a clearly lewd exhibition of a child's genitals or anus, other than a
21 depiction of sexual conduct by a child, ~~shall be imprisoned not more than two~~

1 ~~years or fined not more than \$5,000.00, or both~~ commits a Class A
2 misdemeanor; (2 years, \$5,000)

3 (2) sexual conduct by, with, or on a child, ~~shall be imprisoned not more~~
4 ~~than five years or fined not more than \$10,000.00, or both~~ commits a Class D
5 felony. (5 years, \$10,000)

6 (d) A person who violates section 2827 of this title after being convicted of
7 a previous violation of the same section ~~shall be imprisoned not more than 10~~
8 ~~years or fined not more than \$50,000.00, or both~~ commits a Class C felony. (10
9 years, \$25,000)

10 (e) A person who violates section 2828 (luring a child to engage in a sexual
11 act) of this title ~~shall be imprisoned not more than five years or fined not more~~
12 ~~than \$10,000.00, or both~~ commits a Class D felony. (5 years, \$10,000)

13 Sec. 43. 13 V.S.A. § 3252 is amended to read:

14 § 3252. SEXUAL ASSAULT

15 * * *

16 (f)(1) A person who violates subsection (a), (b), (d), or (e) of this section
17 ~~shall be imprisoned not less than three years and for a maximum term of life~~
18 ~~and, in addition, may be fined not more than \$25,000.00~~ commits a Class A
19 felony and shall be imprisoned not less than three years. (life, \$100,000)

1 (5) At the time of the sexual assault, the actor is armed with a deadly
2 weapon and uses or threatens to use the deadly weapon on the victim or on
3 another.

4 (6) At the time of the sexual assault, the actor threatens to cause
5 imminent serious bodily injury to the victim or to another and the victim
6 reasonably believes that the actor has the present ability to carry out the threat.

7 (7) At the time of the sexual assault, the actor applies deadly force to the
8 victim.

9 (8) The victim is under the age of 13 and the actor is at least 18 years of
10 age.

11 (9) The victim is subjected by the actor to repeated nonconsensual sexual
12 acts as part of the same occurrence or the victim is subjected to repeated
13 nonconsensual sexual acts as part of the actor's common scheme and plan.

14 (b) A person who commits the crime of aggravated sexual assault ~~shall be~~
15 ~~imprisoned not less than ten years and a maximum term of life, and, in~~
16 ~~addition, may be fined not more than \$50,000.00~~ commits a Class A felony
17 and shall be imprisoned not less than ten years. (life, \$100,000)

18 (c)(1) Except as provided in subdivision (2) of this subsection, a sentence
19 ordered pursuant to subsection (b) of this section shall include at least a ten-
20 year term of imprisonment. The ten-year term of imprisonment required by this
21 subdivision shall be served and may not be suspended, deferred, or served as a

1 supervised sentence. The defendant shall not be eligible for probation, parole,
2 furlough, or any other type of early release until the expiration of the five-year
3 or ten-year term of imprisonment.

4 (2) The court may depart downwardly from the ten-year term of
5 imprisonment required by subsection (b) of this section and impose a lesser
6 term of incarceration if the court makes written findings on the record that the
7 downward departure will serve the interests of justice and public safety,
8 provided that in no event may the court impose a term of incarceration of less
9 than five years.

10 * * *

11 Sec. 45. 13 V.S.A. § 3253a is amended to read:

12 § 3253A. AGGRAVATED SEXUAL ASSAULT OF A CHILD

13 (a) A person commits the crime of aggravated sexual assault of a child if the
14 actor is at least 18 years of age and commits sexual assault against a child
15 under the age of 16 in violation of section 3252 of this title and at least one of
16 the following circumstances exists:

17 (1) At the time of the sexual assault, the actor causes serious bodily
18 injury to the victim or to another.

19 (2) The actor is joined or assisted by one or more persons in physically
20 restraining, assaulting, or sexually assaulting the victim.

1 (3) The actor commits the sexual act under circumstances which
2 constitute the crime of kidnapping.

3 (4) The actor has previously been convicted in this State of sexual assault
4 under subsection 3252(a) or (b) of this title, aggravated sexual assault under
5 section 3253 of this title, or aggravated sexual assault of a child under this
6 section, or has been convicted in any jurisdiction in the United States or
7 territories of an offense which would constitute sexual assault under subsection
8 3252(a) or (b) of this title, aggravated sexual assault under section 3253 of this
9 title, or aggravated sexual assault of a child under this section if committed in
10 this State.

11 (5) At the time of the sexual assault, the actor is armed with a deadly
12 weapon and uses or threatens to use the deadly weapon on the victim or on
13 another.

14 (6) At the time of the sexual assault, the actor threatens to cause
15 imminent serious bodily injury to the victim or to another, and the victim
16 reasonably believes that the actor has the present ability to carry out the threat.

17 (7) At the time of the sexual assault, the actor applies deadly force to the
18 victim.

19 (8) The victim is subjected by the actor to repeated nonconsensual sexual
20 acts as part of the same occurrence or the victim is subjected to repeated
21 nonconsensual sexual acts as part of the actor's common scheme and plan.

1 (b) A person who commits the crime of aggravated sexual assault of a child
2 ~~shall be imprisoned for not less than 25 years with a maximum term of life,~~
3 ~~and, in addition, may be fined not more than \$50,000.00~~ commits a Class A
4 felony. A sentence ordered pursuant to subsection (b) of this section shall
5 include at least a 25-year term of imprisonment. The 25-year term of
6 imprisonment required by this subsection shall be served and may not be
7 suspended, deferred, or served as a supervised sentence. The defendant shall
8 not be eligible for probation, parole, furlough, or any other type of early
9 release until the expiration of the 25-year term of imprisonment.

10 Sec. 46. 13 V.S.A. § 3257 is amended to read:

11 § 3257. SEXUAL EXPLOITATION OF A PERSON UNDER THE
12 SUPERVISION OF THE DEPARTMENT OF CORRECTIONS

13 (a) A correctional employee, contractor, or other person providing services
14 to offenders on behalf of the Department of Corrections or pursuant to a court
15 order or in accordance with a condition of parole, probation, supervised
16 community sentence, or furlough shall not engage in a sexual act with:

17 (1) a person who the employee, contractor, or other person providing
18 services knows is confined to a correctional facility; or

19 (2) any offender being supervised by the Department of Corrections
20 while on parole, probation, supervised community sentence, or furlough, where
21 the employee, contractor, or other service provider knows or reasonably should

1 have known that the offender is being supervised by the Department, unless the
2 offender and the employee, contractor, or person providing services were
3 married, parties to a civil union, or engaged in a consensual sexual relationship
4 at the time of sentencing for the offense for which the offender is being
5 supervised by the Department.

6 (b) A person who violates subsection (a) of this section ~~shall be imprisoned~~
7 ~~for not more than five years or fined not more than \$10,000.00, or both~~
8 commits a Class D felony. (5 years, \$10,000)

9 Sec. 47. 13 V.S.A. § 3258 is amended to read:

10 § 3258. SEXUAL EXPLOITATION OF A MINOR

11 (a) No person shall engage in a sexual act with a minor if:

12 (1) the actor is at least 48 months older than the minor; and

13 (2) the actor is in a position of power, authority, or supervision over the
14 minor by virtue of the actor's undertaking the responsibility, professionally or
15 voluntarily, to provide for the health or welfare of minors, or guidance,
16 leadership, instruction, or organized recreational activities for minors.

17 (b) A person who violates subsection (a) of this section ~~shall be imprisoned~~
18 ~~for not more than one year or fined not more than \$2,000.00, or both~~ commits
19 a Class B misdemeanor. (1 year, \$2,500)

20 (c) A person who violates subsection (a) of this section and who abuses his
21 or her position of power, authority, or supervision over the minor in order to

1 engage in a sexual act ~~shall be imprisoned for not more than five years or fined~~
2 ~~not more than \$10,000.00, or both~~ commits a Class D felony. (5 years,
3 \$10,000)

4 Sec. 48. 13 V.S.A. § 3259 is amended to read:

5 § 3259. SEXUAL EXPLOITATION OF A PERSON IN THE CUSTODY OF
6 A LAW ENFORCEMENT OFFICER

7 (a) No law enforcement officer shall engage in a sexual act with a person
8 whom the officer is detaining, arresting, or otherwise holding in custody or
9 who the officer knows is being detained, arrested, or otherwise held in custody
10 by another law enforcement officer.

11 (b) A person who violates subsection (a) of this section ~~shall be imprisoned~~
12 ~~for not more than five years or fined not more than \$10,000.00, or both~~
13 commits a Class D felony. (5 years, \$10,000)

14 Sec. 25. EFFECTIVE DATE

15 This act shall take effect on July 1, 2022.
16
17