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H.173

Introduced by Representatives Small of Winooski, Andrews of Westford,
Arsenault of Williston, Bartley of Fairfax, Berbeco of
Winooski, Black of Essex, Brumsted of Shelburne, Burditt of
West Rutland, Burrows of West Windsor, Buss of Woodstock,
Cina of Burlington, Coffey of Guilford, Dolan of Essex
Junction, Dolan of Waitsfield, Garofano of Essex, Gregoire of
Fairfield, Headrick of Burlington, Hooper of Randolph, Jerome
of Brandon, LaLonde of South Burlington, Masland of
Thetford, McGill of Bridport, Mulvaney-Stanak of Burlington,
Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Page
of Newport City, Patt of Worcester, Rachelson of Burlington,
Sibilia of Dover, Stebbins of Burlington, Stone of Burlington,
Surprenant of Barnard, and Troiano of Stannard

Referred to Committee on

Date:

Subject: Crimes; luring a child

Statement of purpose of bill as introduced: This bill proposes to expand the
statute prohibiting luring a child to also prohibit manipulating behaviors
intended to facilitate sexual contact with a child.

1 An act relating to prohibiting manipulating a child for the purpose of sexual
2 contact

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

4 ~~Sec. 1. 13 V.S.A. § 2828 is amended to read:~~

5 § 2828. LURING A CHILD

6 (a) ~~No person shall knowingly solicit, lure, manipulate, or entice, or to~~
7 ~~attempt to solicit, lure, manipulate, or entice, a child under the age of 16 years~~
8 ~~of age or another person believed by the person to be a child under the age of~~
9 ~~16, years of age to engage in a sexual act as defined in section 3251 of this title~~
10 ~~or engage in lewd and lascivious conduct as defined in section 2602 of this~~
11 ~~title.~~

12 (b) ~~This section applies to solicitation, luring, manipulating, or enticement~~
13 ~~by any means, including in person, through written or telephonic~~
14 ~~correspondence, or through electronic communication.~~

15 (c) ~~This section shall not apply if the person is less than 19 years old, the~~
16 ~~child is at least 15 years old, and the conduct is consensual and there is an age~~
17 ~~difference of less than 48 months, unless the person and alleged victim meet~~
18 ~~the criteria outlined in subsection (d) of this section.~~

19 (d) ~~No person shall knowingly solicit, lure, manipulate, or entice, or~~
20 ~~attempt to solicit, lure, manipulate or entice, a child under 18 years of age or~~
21 ~~another person believed by the person to be a child under 18 years of age to~~
22 ~~engage in a sexual act as defined in section 3251 of this title or engage in lewd~~

1 ~~and lascivious conduct as defined in section 2602 of this title if the person is in~~
2 a position of power, authority, or supervision over the minor by virtue of the
3 person's professional or voluntary role as a provider of health care, guidance,
4 leadership, instruction, organized recreational activities, or religious activity
5 for minors.

6 (e) As used in this section, "manipulate" and "manipulating" means an
7 action or actions undertaken for the purpose of facilitating sexual contact with
8 a child or student.

9 Sec. 2. EFFECTIVE DATE

10 ~~This act shall take effect on July 1, 2023.~~

Sec. 1. PURPOSE

(a) According to the Crimes Against Children Research Center, child sexual abuse is tragically widespread with one in five girls and one in 20 boys experiencing sexual abuse before 18 years of age. In over 90 percent of incidents of child sexual abuse, the perpetrator is someone known and trusted by the child and the child's family.

(b) Behavior commonly referred to as "grooming" is a tactic in which someone methodically builds a trusting relationship with a child or young adult, the child's or young adult's family, and the child's or young adult's community to manipulate, coerce, or force the child or young adult to engage in sexual activities.

(c) “Grooming” is termed “manipulating” in this act because while data shows that members of the LGBTQ+ community are no more likely to sexually abuse a child than non-LGBTQ+ persons, some persons have co-opted and weaponized the term “grooming” to paint members of the LGBTQ+ community and education about gender, sexuality, and the existence of the LGBTQ+ community as inherently dangerous to children. Intentional misuse of the term "grooming" is not only harmful to members of the LGBTQ+ community, but also undermines the severity and experiences of children who have been manipulated to engage in sexual activity.

(d) Manipulating a child to engage in sexual activity may include behaviors in which the perpetrator:

(1) engages in boundary violations involving touching of the child;

(2) exposes the perpetrator’s naked body to the child or observes the child undressing or while naked;

(3) shows the child obscene or indecent materials as defined in 13 V.S.A. chapter 63;

(4) physically or emotionally separates or isolates the child from peers, family, or other support systems;

(5) provides the child with alcohol or drugs; or

(6) develops a trusting relationship with the child through behaviors that are excessive or inappropriate for the context or relationship, including

the provision of attention; affection; compliments; or rewards, privileges, or gifts.

Sec. 2. 13 V.S.A. § 2828 is amended to read:

§ 2828. LURING A CHILD

(a) No person shall knowingly solicit, lure, manipulate, or entice, or to attempt to solicit, lure, manipulate, or entice, a child under 16 years of age or another person believed by the person to be a child under 16 years of age, to engage in a sexual act as defined in section 3251 of this title or engage in lewd and lascivious conduct as defined in section 2602 of this title.

(b) This section applies to solicitation, luring, manipulating, or enticement by any means, including in person, through written or telephonic correspondence, or through electronic communication.

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

Sec. 3. 13 V.S.A. § 3258 is amended to read:

§ 3258. SEXUAL EXPLOITATION OF A MINOR

(a) No person shall engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a minor if:

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

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

(b) No person who is prohibited from engaging in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title with a minor pursuant to subsection (a) of this section shall knowingly solicit, lure, manipulate, or entice, or to attempt to solicit, lure, manipulate, or entice, such minor or another person believed by the person to be such a minor to engage in sexual conduct.

(c)(1) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$2,000.00, or both.

(e)(2) A person who violates subsection (a) of this section and who abuses his or her the person's position of power, authority, or supervision over the minor in order to engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both.

(d)(1) A person who violates subsection (b) of this section shall be imprisoned for not more than six months or fined not more than \$1,000.00, or both.

(2) A person who violates subsection (b) of this section and who abuses the person's position of power, authority, or supervision over the minor in order to engage in a sexual act as defined in section 3251 of this title or sexual conduct as defined in section 2821 of this title shall be imprisoned for not more than two years or fined not more than \$5,000.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.