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H.372

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Introduced by Representatives Small of Winooski, Surprenant of Barnard,

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Black of Essex, Bluemle of Burlington, Casey of Montpelier,

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Cina of Burlington, Headrick of Burlington, Hyman of South

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Burlington, Kornheiser of Brattleboro, LaMont of Morristown,

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McGill of Bridport, Mulvaney-Stanak of Burlington, Pajala of

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Londonderry, and Rachelson of Burlington

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Referred to Committee on

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Date:

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Subject: Crimes and criminal procedure; prostitution

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Statement of purpose of bill as introduced: This bill proposes to repeal the
prostitution laws that currently prohibit “indiscriminate sexual intercourse” and
consensual engagement in sex work for hire by adults while retaining strict
prohibitions and felony criminal penalties for human trafficking of persons
who are compelled through force, fraud, or coercion to engage in sex work.

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An act relating to voluntary engagement in sex work

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

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Sec. 1. LEGISLATIVE INTENT AND FINDINGS

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(a) The majority of Vermont's laws on prostitution were adopted more than

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100 years ago and have remained largely unchanged since that time.

1 (b) Under current Vermont law, the term “prostitution” includes “the
2 offering or receiving of the body for sexual intercourse for hire and shall also
3 be construed to include the offering or receiving of the body for indiscriminate
4 sexual intercourse without hire.”

5 (c) These laws reflect the social mores of the early 1900s, criminalizing not
6 only voluntary sex work but sexual activity outside marriage, and no longer
7 reflect Vermont’s commitment to personal and bodily autonomy.

8 (d) Data has consistently shown that the criminalization of voluntary sex
9 work is associated with increased risk of sexual and physical violence from
10 clients, domestic partners, or other parties; increased risk of HIV and other
11 sexually transmitted infections; and a disruption of sex workers’ support
12 networks, workplace safety, and risk reduction strategies, resulting in reduced
13 physical and emotional health for sex workers.

14 (e) A 2018 Johns Hopkins Bloomberg School of Public Health meta-
15 analysis reviewed over 130 studies conducted over 30 years, synthesizing
16 evidence on the extent to which sex work laws and policing practices affect sex
17 workers’ safety, health, and access to services, and the pathways through
18 which these effects occur. The study concluded “the qualitative and
19 quantitative evidence demonstrate the extensive harms associated with
20 criminalization of sex work, including laws and enforcement targeting the sale
21 and purchase of sex, and activities relating to sex work organization. There is

1 an urgent need to reform sex-work-related laws and institutional practices so as
2 to reduce harms and barriers to the realization of health.”

3 (f) It is the intent of the General Assembly to repeal the laws prohibiting
4 “indiscriminate” sex and voluntary sex work between consenting adults while
5 retaining strict prohibitions and criminal penalties for human trafficking of
6 persons for sex work.

7 (g)(1) Pursuant to 13 V.S.A. chapter 60, it is illegal to:

8 (A) recruit, entice, harbor, transport, provide, or obtain by any means
9 a person under 18 years of age for the purpose of having the person engage in a
10 commercial sex act;

11 (B) recruit, entice, harbor, transport, provide, or obtain any person
12 through force, fraud, or coercion for the purpose of having the person engage
13 in a commercial sex act or compel any person through force, fraud, or coercion
14 to engage in a commercial sex act; and

15 (C) patronize a person under 18 years of age for a commercial sex act
16 or patronize any person for a commercial sex act who is being compelled
17 through force, fraud, or coercion to engage in a commercial sex act.

18 (2) “Coercion” as it applies to compelling a person to engage in a
19 commercial sex act means:

20 (A) the threat of serious harm, including physical or financial harm to
21 or physical restraint against any person;

1 (B) any scheme, plan, or pattern intended to cause a person to believe
2 that failure to perform an act would result in serious bodily or financial harm to
3 or physical restraint of any person;

4 (C) the abuse or threatened abuse of law or the legal process;

5 (D) withholding, destroying, or confiscating any actual or purported
6 passport, immigration document, or any other government identification
7 document of another person;

8 (E) providing a drug, including alcohol, to another person with the
9 intent to impair the person's judgment or maintain a state of chemical
10 dependence;

11 (F) wrongfully taking, obtaining, or withholding any property of
12 another person;

13 (G) blackmail;

14 (H) asserting control over the finances of another person;

15 (I) debt bondage; or

16 (J) withholding or threatening to withhold food or medication.

17 (h) Penalties for offenses relating to human trafficking range from a
18 maximum of five years imprisonment (facilitation of human trafficking) to a
19 mandatory 20 years to life imprisonment (aggravated trafficking).

20 Sec. 2. REPEAL

21 13 V.S.A. chapter 59, subchapter 2 (prostitution) is repealed.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.