

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 173
3 entitled “An act relating to prohibiting manipulating a child for the purpose of
4 sexual contact” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 2821. DEFINITIONS

9 As used in this chapter:

10 (1) “Child” means any person under 16 years of age.

11 * * *

12 (8) “Manipulate” means an act or course of conduct undertaken for the
13 purpose of facilitating sexual conduct with a child. Manipulation may include
14 the following:

15 (A) the person engages in boundary violations involving touching of
16 the child;

17 (B) the person exposed the person’s naked body to the child or
18 observed the child undressing or while naked;

19 (C) the person showed the child obscene or indecent materials as
20 defined in chapter 63 of this title;

1 (D) the person physically or emotionally separated or isolated the
2 child from peers, family, or other support systems;

3 (E) the person provided the child with alcohol or drugs; or

4 (F) the person developed a trusting relationship with the child
5 through behaviors that were excessive or inappropriate for the context or
6 relationship, including the provision of attention; affection; compliments; or
7 rewards, privileges, or gifts.

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

9 § 2828. LURING A CHILD

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

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

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

1 Sec. 3. 13 V.S.A. § 3251 is amended to read:

2 § 3251. DEFINITIONS

3 As used in this chapter:

4 (1) A “sexual act” means conduct between persons consisting of contact
5 between the penis and the vulva, the penis and the anus, the mouth and the
6 penis, the mouth and the vulva, or any intrusion, however slight, by any part of
7 a person’s body or any object into the genital or anal opening of another.

8 (2) “Sexual conduct” means any conduct or behavior relating to sexual
9 activities of the complaining witness, including ~~but not limited to~~ prior
10 experience of sexual acts, use of contraceptives, living arrangement, and mode
11 of living.

12 * * *

13 (11) “Manipulate” means an act or course of conduct undertaken for the
14 purpose of facilitating sexual conduct with a minor. Manipulation may include
15 the following:

16 (A) the person engages in boundary violations involving touching of
17 the minor;

18 (B) the person exposed the person’s naked body to the minor or
19 observed the minor undressing or while naked;

20 (C) the person showed the minor obscene or indecent materials as
21 defined in chapter 63 of this title;

1 (D) the person physically or emotionally separated or isolated the
2 minor from peers, family, or other support systems;

3 (E) the person provided the minor with alcohol or drugs; or

4 (F) the person developed a trusting relationship with the minor
5 through behaviors that were excessive or inappropriate for the context or
6 relationship, including the provision of attention; affection; compliments; or
7 rewards, privileges, or gifts.

8 Sec. 4. 13 V.S.A. § 3258 is amended to read:

9 § 3258. SEXUAL EXPLOITATION OF A MINOR

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

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

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

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

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

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

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

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

15 Sec. 5. EFFECTIVE DATE

16 This act shall take effect on July 1, 2023.

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2 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE