

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. PURPOSE

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

13 (b) Behavior commonly referred to as “grooming” is a tactic in which
14 someone methodically builds a trusting relationship with a child or young
15 adult, the child’s or young adult’s family, and the child’s or young adult’s
16 community to manipulate, coerce, or force the child or young adult to engage
17 in sexual activities.

18 (c) “Grooming” is termed “manipulating” in this act because while data
19 shows that members of the LGBTQ+ community are no more likely to
20 sexually abuse a child than non-LGBTQ+ persons, some persons have co-
21 opted and weaponized the term “grooming” to paint members of the LGBTQ+

1 community and education about gender, sexuality, and the existence of the
2 LGBTQ+ community as inherently dangerous to children. Intentional misuse
3 of the term "grooming" is not only harmful to members of the LGBTQ+
4 community, but also undermines the severity and experiences of children who
5 have been manipulated to engage in sexual activity.

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

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

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

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

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

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

16 (6) develops a trusting relationship with the child through behaviors that
17 are excessive or inappropriate for the context or relationship, including the
18 provision of attention; affection; compliments; or rewards, privileges, or gifts.

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

2 § 2828. LURING A CHILD

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

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

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

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

14 § 3258. SEXUAL EXPLOITATION OF A MINOR

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

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

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

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

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

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

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

18 (2) A person who violates subsection (b) of this section and who abuses
19 the person's position of power, authority, or supervision over the minor in
20 order to engage in a sexual act as defined in section 3251 of this title or sexual

1 conduct as defined in section 2821 of this title shall be imprisoned for not more
2 than two years or fined not more than \$5,000.00, or both.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on July 1, 2024.

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11 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE