

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 40  
3 entitled “An act relating to nonconsensual removal of or tampering with a  
4 sexually protective device” respectfully reports that it has considered the same  
5 and 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. § 3251 is amended to read:

8 § 3251. DEFINITIONS

9 As used in this chapter:

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

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

18 (3) “Consent” means the affirmative, unambiguous, and voluntary  
19 agreement to engage in a sexual act, which can be revoked at any time.

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1 Sec. 2. 13 V.S.A. § 3260 is added to read:

2 § 3260. NONCONSENSUAL REMOVAL OR TAMPERING WITH A

3 CONDOM

4 (a) No person shall engage in a sexual act with another person when  
5 consent to the sexual act is made with the explicit understanding that a condom  
6 would be used and intentionally and without consent remove or tamper with  
7 the condom during the sexual act in a manner likely to render it ineffective for  
8 its common purpose.

9 (b) A person harmed by a violation of subsection (a) of this section may  
10 bring an action in the Civil Division of the Superior Court for compensatory  
11 damages, punitive damages, and reasonable costs and attorney’s fees.

12 Sec. 3. EFFECTIVE DATE

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

14 and that after passage the title of the bill be amended to read: “An act  
15 relating to nonconsensual removal or tampering with a condom”

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1 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE