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H.694

Introduced by Representatives Emmons of Springfield and Arsenault of
Williston

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; sexual exploitation of a person under
the supervision of the Department of Corrections; sexual exploitation
of a minor

Statement of purpose of bill as introduced: This bill proposes to prohibit a
broader range of sexual activity between employees of the Department of
Corrections and persons under their supervision and for an adult who is in a
position of power over a minor.

An act relating to sexual exploitation

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

Sec. 1. 13 V.S.A. § 3257 is amended to read:

§ 3257. SEXUAL EXPLOITATION OF A PERSON UNDER THE
SUPERVISION OF THE DEPARTMENT OF CORRECTIONS

(a) A correctional employee, contractor, or other person providing services
to offenders on behalf of the Department of Corrections or pursuant to a court
order or in accordance with a condition of parole, probation, supervised

1 community sentence, or furlough shall not engage in a sexual ~~act~~ conduct as
2 defined in section 2821 of this title with:

3 (1) a person who the employee, contractor, or other person providing
4 services knows is confined to a correctional facility; or

5 (2) any offender being supervised by the Department of Corrections
6 while on parole, probation, supervised community sentence, or furlough, where
7 the employee, contractor, or other service provider knows or reasonably should
8 have known that the offender is being supervised by the Department, unless the
9 offender and the employee, contractor, or person providing services were
10 married, parties to a civil union, or engaged in a consensual sexual relationship
11 at the time of sentencing for the offense for which the offender is being
12 supervised by the Department.

13 (b) A person who violates subsection (a) of this section shall be imprisoned
14 for not more than five years or fined not more than \$10,000.00, or both.

15 Sec. 2. 13 V.S.A. § 3258 is amended to read:

16 § 3258. SEXUAL EXPLOITATION OF A MINOR

17 (a) No person shall engage in a sexual ~~act~~ conduct as defined in section
18 2821 of this title with a minor if:

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

20 (2) the actor is in a position of power, authority, or supervision over the
21 minor by virtue of the actor's undertaking the responsibility, professionally or

1 voluntarily, to provide for the health or welfare of minors, or guidance,
2 leadership, instruction, or organized recreational activities for minors.

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

5 (c) A person who violates subsection (a) of this section and who abuses ~~his~~
6 ~~or her~~ the person's position of power, authority, or supervision over the minor
7 in order to engage in a sexual ~~act~~ conduct as defined in section 2821 of this
8 title shall be imprisoned for not more than five years or fined not more than
9 \$10,000.00, or both.

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.