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H.173

An act relating to prohibiting manipulating a child for the purpose of sexual contact

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

Sec. 1. PURPOSE

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

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

(c) “Grooming” is termed “manipulating” in this act because while data shows that members of the LGBTQ+ community are no more likely to sexually abuse a child than non-LGBTQ+ persons, some persons have co-opted and weaponized the term “grooming” to paint members of the LGBTQ+ community and education about gender, sexuality, and the existence of the LGBTQ+ community as inherently dangerous to children. Intentional misuse

1 of the term “grooming” is not only harmful to members of the LGBTQ+
2 community, but also undermines the severity and experiences of children who
3 have been manipulated to engage in sexual activity.

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

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

7 (2) exposes the perpetrator’s naked body to the child or observes the
8 child undressing or while naked;

9 (3) shows the child obscene or indecent materials as defined in
10 13 V.S.A. chapter 63;

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

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

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

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

18 § 2828. LURING A CHILD

19 (a) No person shall knowingly solicit, lure, manipulate, or entice, or to
20 attempt to solicit, lure, manipulate, or entice, a child under 16 years of age or
21 another person believed by the person to be a child under 16 years of age; to

1 engage in a sexual act as defined in section 3251 of this title or engage in lewd
2 and lascivious conduct as defined in section 2602 of this title.

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

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

8 Sec. 3. 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 as defined in section 3251 of this
11 title or sexual conduct as defined in section 2821 of this title with a minor if:

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

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

17 (b) No person who is prohibited from engaging in a sexual act as defined in
18 section 3251 of this title or sexual conduct as defined in section 2821 of this
19 title with a minor pursuant to subsection (a) of this section shall knowingly
20 solicit, lure, manipulate, or entice, or to attempt to solicit, lure, manipulate, or

1 entice, such minor or another person believed by the person to be such a minor
2 to engage in sexual conduct.

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

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

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

14 (2) A person who violates subsection (b) of this section and who abuses
15 the person's position of power, authority, or supervision over the minor in
16 order to engage in a sexual act as defined in section 3251 of this title or sexual
17 conduct as defined in section 2821 of this title shall be imprisoned for not more
18 than two years or fined not more than \$5,000.00, or both.

19 Sec. 4. EFFECTIVE DATE

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