

1 TO THE HONORABLE SENATE:

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 condom” respectfully reports that it has considered the same and recommends
5 that the Senate propose to the House that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 12 V.S.A. § 1043 is added to read:

8 § 1043. NONCONSENSUAL REMOVAL OR TAMPERING WITH A
9 CONDOM

10 (a) No person shall engage in a sexual act with another person when
11 consent to the sexual act is made with the explicit understanding that a condom
12 would be used and intentionally and without consent remove or tamper with
13 the condom prior to or during the sexual act in a manner likely to render it
14 ineffective for its common purpose.

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

18 (c) An action under subsection (b) of this section shall be subject to the
19 statute of limitations in section 511 of this title.

20 Sec. 2. EFFECTIVE DATE

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

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE