

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 OF OR TAMPERING WITH A
9 CONDOM

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

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

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

19 Sec. 2. EFFECTIVE DATE

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

21

1

2

3

4

5

6

7

(Committee vote: _____)

8

9

Senator _____

10

FOR THE COMMITTEE