

1 H.190

2 Introduced by Representatives Headrick of Burlington, Logan of Burlington,

3 Priestley of Bradford, and Rachelson of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Crimes and criminal procedure; prostitution

7 Statement of purpose of bill as introduced: This bill proposes to repeal the
8 prostitution laws that currently prohibit “indiscriminate sexual intercourse” and
9 consensual engagement in sex work for hire by adults while retaining
10 prohibitions and felony criminal penalties for human trafficking of persons
11 who are compelled through force, fraud, or coercion to engage in sex work.

12 An act relating to voluntary engagement in sex work

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

14 Sec. 1. LEGISLATIVE INTENT AND FINDINGS

15 (a) The majority of Vermont’s laws on prostitution were adopted more than
16 100 years ago and have remained largely unchanged since that time.

17 (b) Under current Vermont law, the term “prostitution” includes “the
18 offering or receiving of the body for sexual intercourse for hire and shall also
19 be construed to include the offering or receiving of the body for indiscriminate
20 sexual intercourse without hire.”

1 (c) These laws reflect the social mores of the early 1900s, criminalizing not
2 only voluntary sex work but sexual activity outside marriage, and no longer
3 reflect Vermont’s commitment to personal and bodily autonomy.

4 (d) Data has consistently shown that the criminalization of voluntary sex
5 work is associated with increased risk of sexual and physical violence from
6 clients, domestic partners, or other parties; increased risk of HIV and other
7 sexually transmitted infections; and a disruption of sex workers’ support
8 networks, workplace safety, and risk reduction strategies, resulting in reduced
9 physical and emotional health for sex workers.

10 (e) A 2018 Johns Hopkins Bloomberg School of Public Health meta-
11 analysis reviewed over 130 studies conducted over 30 years, synthesizing
12 evidence on the extent to which sex work laws and policing practices affect sex
13 workers’ safety, health, and access to services, and the pathways through
14 which these effects occur. The study concluded “the qualitative and
15 quantitative evidence demonstrate the extensive harms associated with
16 criminalization of sex work, including laws and enforcement targeting the sale
17 and purchase of sex, and activities relating to sex work organization. There is
18 an urgent need to reform sex-work-related laws and institutional practices so as
19 to reduce harms and barriers to the realization of health.”

20 (f) It is the intent of the General Assembly to repeal the laws prohibiting
21 “indiscriminate” sex and voluntary sex work between consenting adults while

1 retaining strict prohibitions and criminal penalties for human trafficking of
2 persons for sex work.

3 (g)(1) Pursuant to 13 V.S.A. chapter 60, it is illegal to:

4 (A) recruit, entice, harbor, transport, provide, or obtain by any means
5 a person under 18 years of age for the purpose of having the person engage in a
6 commercial sex act;

7 (B) recruit, entice, harbor, transport, provide, or obtain any person
8 through force, fraud, or coercion for the purpose of having the person engage
9 in a commercial sex act or compel any person through force, fraud, or coercion
10 to engage in a commercial sex act; and

11 (C) patronize a person under 18 years of age for a commercial sex act
12 or patronize any person for a commercial sex act who is being compelled
13 through force, fraud, or coercion to engage in a commercial sex act.

14 (2) “Coercion” as it applies to compelling a person to engage in a
15 commercial sex act means:

16 (A) the threat of serious harm, including physical or financial harm to
17 or physical restraint against any person;

18 (B) any scheme, plan, or pattern intended to cause a person to believe
19 that failure to perform an act would result in serious bodily or financial harm to
20 or physical restraint of any person;

1 (C) the abuse or threatened abuse of law or the legal process;

2 (D) withholding, destroying, or confiscating any actual or purported
3 passport, immigration document, or any other government identification
4 document of another person;

5 (E) providing a drug, including alcohol, to another person with the
6 intent to impair the person’s judgment or maintain a state of chemical
7 dependence;

8 (F) wrongfully taking, obtaining, or withholding any property of
9 another person;

10 (G) blackmail;

11 (H) asserting control over the finances of another person;

12 (I) debt bondage; or

13 (J) withholding or threatening to withhold food or medication.

14 (h) Penalties for offenses relating to human trafficking range from a
15 maximum of five years imprisonment (facilitation of human trafficking) to a
16 mandatory 20 years to life imprisonment (aggravated trafficking).

17 Sec. 2. REPEAL

18 13 V.S.A. chapter 59, subchapter 2 (prostitution) is repealed.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on passage.