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H.299

Introduced by Representative Rachelson of Burlington

Referred to Committee on

Date:

Subject: Human services; juveniles; general provisions; jurisdiction; transfer to  
criminal court

Statement of purpose of bill as introduced: This bill proposes to prohibit  
transferring a Family Division case to the Criminal Division if the person  
subject to the petition was a victim of human trafficking.

An act relating to prohibiting the transfer of Family Court cases to criminal  
court when the offender is a victim of human trafficking

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

Sec. 1. 33 V.S.A. § 5103 is amended to read:

§ 5103. JURISDICTION

(a) The Family Division of the Superior Court shall have exclusive  
jurisdiction over all proceedings concerning a child who is or who is alleged to  
be a delinquent child or a child in need of care or supervision brought under  
the authority of the juvenile judicial proceedings chapters, except as otherwise  
provided in such chapters.

\* \* \*

1       (e)(1) Notwithstanding any law to the contrary, the Family Division shall  
2       retain jurisdiction over a child or youth subject to a petition when the court  
3       finds by clear and convincing evidence that the child or youth is the victim of:

4               (A) human trafficking or aggravated human trafficking as defined in  
5       13 V.S.A. § 2652 or 2653;

6               (B) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);

7               (C) aggravated sexual assault as defined in 13 V.S.A. § 3253; or

8               (D) aggravated sexual assault of a child as defined in 13 V.S.A.  
9       § 3253a.

10       (2) The court may hold an evidentiary hearing to determine whether the  
11       child or youth is the victim of the crimes listed in subdivision (1) of this  
12       subsection.

13       Sec. 2. EFFECTIVE DATE

14       This act shall take effect on July 1, 2025.