

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Vermont’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.



## ISSUE 1: Criminal Provisions

**Policy Goal 1.1** The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

Following federal precedent, Vermont’s trafficking law could apply to buyers of commercial sex with minors based on the term “obtain.”<sup>1</sup> Specifically, Vt. Stat. Ann. tit. 13, § 2652(a)(1) (Human trafficking) states, “No person shall knowingly . . . recruit, entice, harbor, transport, provide, or obtain by any means a person under the age of 18 for the purpose of having the person engage in a commercial sex act.”<sup>2</sup>

Further, Vt. Stat. Ann. tit. 13, § 2653(a) (Aggravated human trafficking) states,

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<sup>1</sup> See *United States v. Jungers*, 702 F.3d 1066 (8th Cir. 2013). In this case, the Eighth Circuit specifically addressed whether the federal sex trafficking law, 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion) applies to buyers of sex with minors. Reversing a District of South Dakota ruling that Congress did not intend the string of verbs constituting criminal conduct under 18 U.S.C. § 1591(a)(1) (“recruits, entices, harbors, transports, provides, obtains, or maintains”) to reach the conduct of buyers (*United States v. Jungers*, 834 F. Supp. 2d 930, 931 (D.S.D. 2011)), the Eighth Circuit concluded that 18 U.S.C. § 1591 does not contain a “latent exemption for purchasers” because buyers can “engage in at least some of the prohibited conduct.” *Jungers*, 702 F. 3d 1066, 1072. Congress codified *Jungers* clarifying that the federal sex trafficking law is intended to apply to buyers in the Justice for Victims of Trafficking Act (JVTA) of 2015 Pub. L. No. 114-22, 129 Stat 227, enacted on May 29, 2015. The JVTA adds the terms “patronize” and “solicit” to the list of prohibited conduct and expressly states, “section 108 of this title amends section 1591 of title 18, United States Code, to add the words ‘solicits or patronizes’ to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.” *Id.* at Sec. 109. The Eighth Circuit decision in *United States v. Jungers* and the federal sex trafficking law as amended by the Justice for Victims of Trafficking Act establish persuasive authority when state courts interpret the string of verbs constituting prohibited conduct in state sex trafficking laws (in particular, the term “obtains”) to the extent such interpretation does not conflict with state case law.

<sup>2</sup> Vt. Stat. Ann. tit. 13, § 2651(3) (Definitions) defines “commercial sex act” as “any sexual act, sexual conduct, or sexually explicit performance on account of which anything of value is promised to, given to, or received by any person.”

A person commits the crime of aggravated human trafficking if the person commits human trafficking in violation of section 2652 of this title under any of the following circumstances:

- (1) the offense involves a victim of human trafficking who is a child under the age of 18;
- (2) the person has previously been convicted of a violation of section 2652 of this title;
- (3) the victim of human trafficking suffers serious bodily injury or death; or
- (4) the actor commits the crime of human trafficking under circumstances that constitute the crime of sexual assault as defined in section 3252 of this title, aggravated sexual assault as defined in section 3253 of this title, or aggravated sexual assault of a child as defined in section 3253a of this title.

However, to ensure buyers are held accountable as sex trafficking offenders, the trafficking law should be amended to expressly apply to persons who “patronize” a minor for commercial sex.<sup>3</sup>

- 1.1.1 Recommendation: Amend Vt. Stat. Ann. tit. 13, § 2652(a)(1) (Human trafficking) to clarify that buyer conduct is included as a violation of Vt. Stat. Ann. tit. 13, § 2652.

**Policy Goal 1.2** Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Vermont lacks a CSEC law that criminalizes purchasing or soliciting commercial sex with a minor.

- 1.2.1 Recommendation: Enact a CSEC law that specifically includes purchasing or soliciting sex with any minor under 18.

**Policy Goal 1.3** Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Vermont lacks a CSEC law that addresses the exploitive conduct engaged in by traffickers.

- 1.3.1 Recommendation: Enact a CSEC law that addresses an array of exploitive conduct engaged in by traffickers.

**Policy Goal 1.4** Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Vermont law does not expressly prohibit a mistake of age defense in prosecutions for child sex trafficking and CSEC.

- 1.4.1 Recommendation: Prohibit a mistake of age defense in all cases involving child sex trafficking and CSEC.

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<sup>3</sup> Although Vt. Stat. Ann. tit. 13, § 2655(a) (Solicitation) applies to buyers who solicit a commercial sex act from a trafficking victim, the law is not specific to minors, nor does it provide for an enhanced penalty when the person solicited is a minor. It states,

- (a) No person shall knowingly solicit a commercial sex act from a victim of human trafficking.
- (b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$ 100,000.00, or both.

**Policy Goal 1.5** Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Although the trafficking law does not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Vermont’s criminal attempt statute could provide prosecutors with an alternative avenue to prosecute those cases. Pursuant to Vt. Stat. Ann. tit. 13, § 9(a) (Attempts),

A person who attempts to commit an offense and does an act toward the commission thereof, but by reason of being interrupted or prevented fails in the execution of the same, shall be punished as herein provided unless other express provision is made by law for the punishment of the attempt. If the offense attempted to be committed is . . . human trafficking [or] aggravated human trafficking . . . , a person shall be punished as the offense attempted to be committed is by law punishable.

Accordingly, an offender could be found guilty of attempting to commit a child sex trafficking offense if the offender committed an act in furtherance of child sex trafficking but was prevented from completing the offense since the intended victim was a law enforcement decoy rather than an actual minor.

**Policy Goal 1.6** The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Vermont’s trafficking chapter expressly allows for business entity liability and establishes a business-specific penalty scheme. Specifically, Vt. Stat. Ann. tit. 13, § 2656 (Human trafficking by a business entity; dissolution) provides,

If a business entity, including a corporation, partnership, association, or any other legal entity, is convicted of violating this chapter [Human trafficking], the Attorney General may commence a proceeding in the Civil Division of the Superior Court to dissolve the entity pursuant to 11A V.S.A. §§ 14.30 [Grounds for dissolution] -14.33 [Decree of dissolution].

**Policy Goal 1.7** State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

Financial penalties, including criminal fines, fees, and asset forfeiture, paid by convicted trafficking and CSEC offenders are not required to be directed into a victim services fund.

- 1.7.1 Recommendation: Statutorily direct a percentage of financial penalties levied on trafficking and CSEC offenders into a victim services fund.



## ISSUE 2: Identification of & Response to Victims

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- Policy Goal 2.1** The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. Vt. Stat. Ann. tit. 13, § 2651(13) (Definitions) defines “victim of human trafficking” as “a victim of a violation of section 2652 of this title.” Following federal precedent, Vt. Stat. Ann. tit. 13, § 2652(a)(1) (Human trafficking) can apply directly to buyers of commercial sex with minors based on the term “obtain,”<sup>4</sup> meaning a buyer can be charged regardless of whether a trafficker is involved or identified. Accordingly, third party control is not required to establish the crime of child sex trafficking or, consequently, to identify a commercially sexually exploited child as a trafficking victim.

- Policy Goal 2.2** State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Vermont state law does not require the development of policy guidance to facilitate appropriate responses to foreign national child sex trafficking victims.

- 2.2.1 Recommendation: Enact a law requiring the development of policy guidance to facilitate access to services and assistance for trafficked foreign national children.

- Policy Goal 2.3** State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Vermont state law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

- 2.3.1 Recommendation: Enact a state law requiring child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

- Policy Goal 2.4** State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Vermont state law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

- 2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

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<sup>4</sup> See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Vt. Stat. Ann. tit. 13, § 2652.

**Policy Goal 2.5** State law prohibits the criminalization of minors under 18 for prostitution offenses.

Vermont law fails to prohibit the criminalization of minors for prostitution. While the human trafficking law provides non-criminal protections for trafficking victims accused of engaging in commercial sex, state statute directs some child sex trafficking victims into punitive processes as a consequence for their victimization.

Pursuant to Vt. Stat. Ann. tit. 13, § 2652(c)(1) (Human trafficking),

A person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title shall not be found in violation of or be the subject of a delinquency petition based on chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title for any conduct committed as a victim of sex trafficking.

However, such protections are undermined by the alternative response provided under Vt. Stat. Ann. tit. 13, § 2652(c)(1)(B), which provides,

Notwithstanding any other provision of law, a person under the age of 18 shall be immune from prosecution in the Criminal Division of the Superior Court for a violation of section 2632 of this title (prohibited acts; prostitution), may be treated as a juvenile under 33 V.S.A. chapter 52 [Delinquency Proceedings] or referred to the Department for Children and Families for treatment under 33 V.S.A. chapter 53 [Children in Need of Care or Supervision].

While minors referred to the Department for Children and Families may be insulated from a punitive response, minors treated as offenders under Vt. Stat. Ann. tit. 33, §§ 5201–5293 face a traditional juvenile justice response to their trafficking victimization.

Notably, Vermont law also extends non-criminalization protections to persons who, in the course of engaging in specified criminal conduct as a result of their victimization, observe and report certain criminal conduct to law enforcement. Pursuant to Vt. Stat. Ann. tit. 13, § 2638(b), (c) (Immunity from liability),

(b) A person who, in good faith and in a timely manner, reports to law enforcement that the person is a victim of or a witness to a crime that arose from the person's involvement in prostitution or human trafficking shall not be cited, arrested, or prosecuted for a violation of the following offenses:

- (1) section 2632 of this title (prostitution);
- (2) section 2601a of this title (prohibited conduct);
- (3) 18 V.S.A. § 4230(a)(1)-(3) (cannabis possession);
- (4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);
- (5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);
- (6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);
- (7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic drugs possession);
- (8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);
- (9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); and
- (10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession).

(c) The immunity provisions of this section apply only to the use and derivative use of evidence gained as a proximate result of the person reporting to law enforcement that the person is a victim of or a witness to a crime that arose from the person's involvement in prostitution or human trafficking and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

As noted above, however, this protection is limited to trafficking victims who report a crime to law enforcement and only applies to the use or derivative use of evidence obtained as a result of that report.

Consequently, Vermont law seemingly allows commercially sexually exploited minors to be arrested, detained, and prosecuted in juvenile court for engaging in conduct in violation of the prostitution law.

2.5.1 Recommendation: Amend state law to prohibit the criminalization of minors for prostitution offenses.

**Policy Goal 2.6** State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Vermont law prohibits the criminalization of child sex trafficking victims for obscenity offenses;<sup>5</sup> however, victims can still be charged with status offenses or with other misdemeanors and non-violent felonies committed as a result of their trafficking victimization. Pursuant to Vt. Stat. Ann. tit. 13, § 2652(c)(1) (Human trafficking),

A person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title shall not be found in violation of or be the subject of a delinquency petition based on chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title for any conduct committed as a victim of sex trafficking.

An affirmative defense may be available to victims facing other charges. Specifically, Vt. Stat. Ann. tit. 13, § 2652(c)(2) provides,

If a person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title is prosecuted for any offense or is the subject of any delinquency petition other than a violation of chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title that arises out of the sex trafficking or benefits the sex trafficker, the person may raise as an affirmative defense that he or she committed the offense as a result of force, fraud, or coercion by a sex trafficker.

2.6.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization.

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<sup>5</sup> Notably, Vermont law also extends non-criminalization protections to persons who, in the course of engaging in specified criminal conduct as a result of their victimization, observe and report certain criminal conduct to law enforcement. Pursuant to Vt. Stat. Ann. tit. 13, § 2638(b), (c) (Immunity from liability),

(b) A person who, in good faith and in a timely manner, reports to law enforcement that the person is a victim of or a witness to a crime that arose from the person's involvement in prostitution or human trafficking shall not be cited, arrested, or prosecuted for a violation of the following offenses:

- (1) section 2632 of this title (prostitution);
- (2) section 2601a of this title (prohibited conduct);
- (3) 18 V.S.A. § 4230(a)(1)-(3) (cannabis possession);
- (4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);
- (5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);
- (6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);
- (7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic drugs possession);
- (8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);
- (9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); and
- (10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession).

(c) The immunity provisions of this section apply only to the use and derivative use of evidence gained as a proximate result of the person reporting to law enforcement that the person is a victim of or a witness to a crime that arose from the person's involvement in prostitution or human trafficking and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

As noted above, however, this protection is limited to trafficking victims who report a crime to law enforcement and only applies to the use or derivative use of evidence obtained as a result of that report.

**Policy Goal 2.7** State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Vermont law prohibits the criminalization of child sex trafficking victims for prostitution-related offenses, including aiding or abetting prostitution; however, victims can still be charged as sex trafficking offenders or as accomplices alongside their exploiters. Pursuant to Vt. Stat. Ann. tit. 13, § 2652(c)(1) (Human trafficking),

A person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title shall not be found in violation of or be the subject of a delinquency petition based on chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title for any conduct committed as a victim of sex trafficking.

An affirmative defense may be available to victims facing other charges. Specifically, Vt. Stat. Ann. tit. 13, § 2652(c)(2) provides,

If a person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title is prosecuted for any offense or is the subject of any delinquency petition other than a violation of chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title that arises out of the sex trafficking or benefits the sex trafficker, the person may raise as an affirmative defense that he or she committed the offense as a result of force, fraud, or coercion by a sex trafficker.

- 2.7.1 Recommendation: Amend Vt. Stat. Ann. tit. 13, § 2652(c)(1) (Human trafficking) to prohibit the criminalization of child sex trafficking victims for sex trafficking offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

**Policy Goal 2.8** State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Vermont law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization. Pursuant to Vt. Stat. Ann. tit. 13, § 2652(c)(2) (Human trafficking),

If a person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title is prosecuted for any offense or is the subject of any delinquency petition other than a violation of chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title that arises out of the sex trafficking or benefits the sex trafficker, the person may raise as an affirmative defense that he or she committed the offense as a result of force, fraud, or coercion by a sex trafficker.

#### EXTRA CREDIT



Because Vt. Stat. Ann. tit. 13, § 2652 criminalizes trafficking of both minor and adult victims, the affirmative defense provided for under Vt. Stat. Ann. tit. 13, § 2652(c)(2) extends to youth who are charged with offenses as a result of their victimization.

**Policy Goal 2.9** Juvenile court jurisdiction aligns with international human rights standards.

Vermont law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While Vermont law extends juvenile court jurisdiction to all minors under 19 years of age,<sup>6</sup> governing state statute establishes a low minimum age for jurisdictional purposes and permits direct file for juvenile cases involving minors charged with certain felony offenses. Additionally, the juvenile court is not required to consider the impact of trauma or past trafficking victimization in making discretionary transfer determinations.

	<b>Minimum Age for Juvenile Court Jurisdiction</b>	<b>Maximum Age for Charging a Minor in Juvenile Court</b>	<b>Automatic Transfers or Direct File</b>	<b>Discretionary Transfers</b>	<b>Requirement for Court to Consider Trauma or Past Victimization</b>
<b>Summary</b>	10; <sup>7</sup> “Child” is defined as, “an individual who has been alleged to have committed or has committed an act of delinquency after becoming 10 years of age . . . .”	18	Yes. Minors 14+ years of age charged with a violent felony. <sup>8</sup>	Yes. Minors: (1) 16+ years of age charged with a felony offense except violent felonies; or (2) 12-13 years of age charged with a violent felony.	No.
<b>Relevant Statute(s)</b>	Vt. Stat. Ann. tit. 33, § 5102(2)(C) (Definitions and provisions of general application)	Vt. Stat. Ann. tit. 33, § 5201(d) (Commencement of delinquency proceedings)	Vt. Stat. Ann. tit. 33, § 5204(a) (Transfer from family division of the superior court); Vt. Stat. Ann. tit. 33, § 5201(c) (Commencement of delinquency proceedings)	Vt. Stat. Ann. tit. 33, § 5204(a) (Transfer from family division of the superior court)	Vt. Stat. Ann. tit. 33, § 5204(d) (Transfer from family division of the superior court)

Consequently, some minors may still be subjected to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with international human rights standards; (2) allow some juvenile cases to be subject to direct file; and (3) do not require the juvenile court to consider previous trafficking victimization or trauma in making a transfer determination.

2.9.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

<sup>6</sup> Effective until July 1, 2022. Beginning July 1, 2022, juvenile court jurisdiction will extend to all minors under 20 years of age pursuant to the enactment of Senate Bill 232 during the 2019-2020 Regular 75th Biennial Session of the State of Vermont.

<sup>7</sup> However, Vt. Stat. Ann. tit. 33 § 5102(2)(C) (Definitions and provisions of general application) provides an exception, stating, “an individual who is alleged to have committed an act before attaining 10 years of age which would be murder as defined in 13 V.S.A. § 2301 if committed by an adult may be subject to delinquency proceedings.”

<sup>8</sup> Pursuant to Vt. Stat. Ann. tit. 33 § 5280 (Commencement of youthful offender proceedings in the Family Division), minors between the ages of 14-22 alleged to have committed a violence felony offense that could fall under the jurisdiction of the criminal court may, at the discretion of the prosecutor, be treated as a “youthful offender” and remain within the jurisdiction of the juvenile court.



**Policy Goal 2.10** State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Vermont’s human trafficking and child abuse statutes expressly identify child sex trafficking and commercial sexual exploitation as forms of abuse for purposes of finding a child as in need of care or supervision. Vt. Stat. Ann. tit. 13, § 2652(e) (Human trafficking) states, “If a person who is identified as a victim of human trafficking is under 18 years of age at the time of the offense, the state may treat the person as a subject of a child in need of care or supervision proceeding.” Additionally, for purposes of Vermont’s child abuse reporting statutes, Vt. Stat. Ann. tit. 33, § 4912(1), (15)(B), (H) (Definitions) includes the following definitions related to the abuse of a child:

(1) “Abused or neglected child” means a child whose physical health, psychological growth and development or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child’s welfare. An “abused or neglected child” also means a child who is sexually abused or at substantial risk of sexual abuse by any person and a child who has died as a result of abuse or neglect.

....

(15) “Sexual abuse” consists of any act or acts by any person involving sexual molestation or exploitation of a child, including:

....

(B) prostitution;

....

(H) human trafficking;

**Policy Goal 2.11** State law clearly defines child welfare’s role in responding to non-familial child sex trafficking through an alternative specialized response that does not hinge on caregiver fault.

Vermont’s child welfare code allows for a child welfare response to child sex trafficking victims regardless of parent or caregiver fault, but it does not outline a child sex trafficking-specific protocol for responding to non-familial sex trafficking cases. For purposes of Vermont’s child reporting statutes, Vt. Stat. Ann. tit. 33, § 4912(1) (Definitions) specifically provides that an “abused or neglected child” also means a child who is sexually abused or at substantial risk of sexual abuse by any person,” and Vt. Stat. Ann. tit. 33, § 4912(15) defines “sexual abuse” to include child sex trafficking and commercial sexual exploitation of children. However, Vermont’s child welfare code does not set out a trafficking-specific response protocol for non-familial child sex trafficking cases.

- 2.11.1 Recommendation: Strengthen existing law to statutorily outline a child sex trafficking-specific protocol for child welfare to respond to non-familial child sex trafficking cases without hinging on caregiver fault.



## ISSUE 3: Continuum of Care

### **Policy Goal 3.1** State law provides child sex trafficking victims with access to specialized services through a non-punitive system.

A child sex trafficking victim may have access to general services; however, Vermont law does not provide a process to connect all child sex trafficking victims with access to specialized services through a non-punitive system. Pursuant to Vt. Stat. Ann. tit. 13, § 2652(e) (Human trafficking), “If a person who is a victim of human trafficking is under 18 years of age at the time of the offense, the state may treat the person as the subject of a child in need of care or supervision<sup>9</sup> proceeding.” Further, Vt. Stat. Ann. tit. 13, § 2652(c)(1)(B) states,

Notwithstanding any other provision of law, a person under the age of 18 shall be immune from prosecution in the Criminal Division of the Superior Court for a violation of section 2632 of this title (prohibited acts; prostitution), but may be treated as a juvenile under 33 V.S.A. chapter 52 or referred to the Department for Children and Families for treatment under 33 V.S.A. chapter 53.

- 3.1.1 Recommendation: Enact legislation requiring access to specialized services for all child sex trafficking victims through a non-punitive system.

### **Policy Goal 3.2** State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Although child sex trafficking victims could receive a multi-disciplinary team (MDT) response through an existing child abuse and neglect MDT, Vermont law does not require an MDT response specific to child sex trafficking cases. Pursuant to Vt. Stat. Ann. tit. 33, § 4917 (Multidisciplinary teams; empaneling),

- (a) The Commissioner or his or her designee may impanel a multidisciplinary team or a special investigative multitask force team or both wherever in the State there may be a probable case of child abuse or neglect which warrants the coordinated use of several professional services. These teams shall participate and cooperate with the local special investigation unit in compliance with 13 V.S.A. § 5415.

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<sup>9</sup> Vt. Stat. Ann. tit. 33, § 5102(3) (Definitions and provisions of general application) defines “child in need of care or supervision” as follows:

[A] child who:

- (A) has been abandoned or abused by the child's parent, guardian, or custodian. A person is considered to have abandoned a child if the person is: unwilling to have physical custody of the child; unable, unwilling, or has failed to make appropriate arrangements for the child's care; unable to have physical custody of the child and has not arranged or cannot arrange for the safe and appropriate care of the child; or has left the child with a care provider and the care provider is unwilling or unable to provide care or support for the child, the whereabouts of the person are unknown, and reasonable efforts to locate the person have been unsuccessful.
- (B) is without proper parental care or subsistence, education, medical, or other care necessary for his or her well-being;
- (C) is without or beyond the control of his or her parent, guardian, or custodian; or
- (D) is habitually and without justification truant from compulsory school attendance.

(b) The Commissioner or his or her designee, in conjunction with professionals and community agencies, shall appoint members to the multidisciplinary teams which may include persons who are trained and engaged in work relating to child abuse or neglect such as medicine, mental health, social work, nursing, child care, education, law, or law enforcement. The teams shall include a representative of the Department of Corrections. Additional persons may be appointed when the services of those persons are appropriate to any particular case.

(c) The empanelling of a multidisciplinary or special investigative multi-task force team shall be authorized in writing and shall specifically list the members of the team. This list may be amended from time to time as needed as determined by the Commissioner or his or her designee.

Further, Vt. Stat. Ann. tit. 33, § 4918 (Multidisciplinary teams; functions; guidelines) outlines the duties of the MDT, stating,

(a) Multidisciplinary teams shall assist local district offices of the Department in identifying and treating child abuse or neglect cases. With respect to any case referred to it, the team may assist the district office by providing:

- (1) case diagnosis or identification;
- (2) a comprehensive treatment plan; and
- (3) coordination of services pursuant to the treatment plan.

(b) Multidisciplinary teams may also provide public informational and educational services to the community about identification, treatment, and prevention of child abuse and neglect. It shall also foster communication and cooperation among professionals and organizations in its community, and provide such recommendations or changes in service delivery as it deems necessary.

- 3.2.1 Recommendation: Enact legislation requiring a multi-disciplinary team response specific to child sex trafficking victims.

**Policy Goal 3.3** State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Vermont law does not provide access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

- 3.3.1 Recommendation: Enact legislation requiring the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

**Policy Goal 3.4** State law extends foster care services to older foster youth.

Vermont law extends foster care services to youth under 23 years of age. Vt. Stat. Ann. tit. 33, § 4904 (Foster care; transitional youth services) defines “youth” as follows:

- [A] person between 18 and 22 years of age who either:
- (1) attained his or her 18th birthday while in the custody of the Commissioner for Children and Families; or
  - (2) while he or she was between 10 and 18 years of age, spent at least five of those years in the custody of the Commissioner for Children and Families.

Additionally, Vt. Stat. Ann. tit. 33, § 4904(b), (c) (Foster care; transitional youth services) extends foster care services to youth as follows:

- (b)

- (1) The Department shall provide foster care services as described in subsection (c) of this section to:
- ...
  - (B) any individual under the age of 22 who leaves State custody after the age of 16 and at or before the age of 18 or any youth provided he or she voluntarily requests additional support services.
- (2) The Department shall require a youth receiving services under this section to be employed, to participate in a program to promote employment or remove barriers to employment, or to attend an educational or vocational program, and, if the youth is working, require that he or she contribute to the cost of services based on a sliding scale, unless the youth meets the criteria for an exception to the employment and educational or vocational program requirements of this section based on a disability or other good cause. The Department shall establish rules for the requirements and exceptions under this subdivision.
- (c) The Commissioner shall establish by rule a program to provide a range of age-appropriate services for youth to ensure a successful transition to adulthood, including foster care and other services provided under this chapter to children as appropriate, housing assistance, transportation, case management services, assistance with obtaining and retaining health care coverage or employment, and other services. At least 12 months prior to a child attaining his or her 18th birthday, the Department shall assist the child in developing a transition plan. When developing the transition plan, the child shall be informed about the range of age-appropriate services and assistance available in applying for or obtaining these services.

**Policy Goal 3.5** State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Vermont state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.5.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking.

**Policy Goal 3.6** State funding is appropriated to support child-serving agencies with providing specialized services and a continuum of care for sex trafficked children.

The Vermont state legislature did not appropriate funds to support child-serving agencies with developing and providing specialized services and ensuring a continuum of care for child and youth survivors who interact or are involved with state systems.

- 3.6.1 Recommendation: Appropriate state funds to support child-serving agencies in the development of and access to specialized services to child and youth survivors of sex trafficking.



## ISSUE 4: Access to Justice for Trafficking Survivors

### **Policy Goal 4.1** State law allows trafficking victims to seek emergency civil orders of protection.

While civil orders of protection exist under Vermont law, this protection is not expressly available to victims of child sex trafficking and CSEC.

- 4.1.1 Recommendation: Enact legislation expressly allowing victims of trafficking and CSEC to obtain ex parte civil orders of protection against their exploiters.

### **Policy Goal 4.2** Ineligibility factors for crime victims' compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Although Vermont's crime victims' compensation laws define "victim" broadly enough to include victims of child sex trafficking and CSEC, ineligibility factors may prevent a commercially sexually exploited child from accessing an award.

For purposes of accessing crime victims' compensation, Vt. Stat. Ann. tit. 13, § 5351(7)(A) (Definitions) defines "victim" to include "a person who sustains injury<sup>10</sup> or death as a direct result of the commission or attempted commission of a crime."

Despite this broad definition, certain ineligibility factors may still limit a commercially sexually exploited child's ability to seek crime victims' compensation. Pursuant to Vt. Stat. Ann. tit. 13, § 5353(a) (Application for compensation),

A victim or a dependent of a victim shall, upon application, be eligible for compensation if:

- (1) a law enforcement official has filed a report concluding that a crime was committed which resulted in the injury or death of the victim; and
- (2) the crime was committed in this State; or
- (3) the victim is a Vermont resident, the state in which the crime occurred does not have an eligible crime Victims Compensation Program and the applicant would have been eligible for compensation under this chapter if the crime had been committed in this State; or
- (4) the victim is a Vermont resident who is injured or killed by an act of terrorism outside the United States, to the extent that compensation is not otherwise available under federal law.

Further, Vt. Stat. Ann. tit. 13, § 5355(a), (b) (Approval or rejection of application) provides,

- (a) After review of the evidence relevant to the application for compensation, the Board shall approve the application if a preponderance of the evidence shows that as a direct result of the crime an injury occurred that resulted in a pecuniary loss<sup>11</sup> to the victim or the dependent.

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<sup>10</sup> Vt. Stat. Ann. tit. 13, § 5351(4) defines "injury" as "actual bodily harm or pregnancy, or emotional harm resulting from the crime."

<sup>11</sup> Vt. Stat. Ann. tit. 13, § 5351(5) defines "pecuniary loss" as follows:

- (b) An application for assistance shall be denied if any of the following apply:
  - (1) The application was not made within the period of time permitted for commencing prosecution of the crime. The Board may extend the time for filing for good cause shown.<sup>12</sup>
  - (2) The victim violated a criminal law of this State that caused or contributed to the victim's injuries or death.

4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims' compensation.

**Policy Goal 4.3** Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Although Vermont law allows trafficking victims to vacate criminal convictions, vacatur is unavailable for delinquency adjudications arising from trafficking victimization. Pursuant to Vt. Stat. Ann. tit. 13, § 2658(b)–(e) (Prostitution conviction; motion to vacate by victim of human trafficking),

(b) A person convicted of a qualifying crime<sup>13</sup> may file a motion to vacate the conviction if it was obtained as a result of the person having been a victim of human trafficking.<sup>14</sup> The motion shall be in writing, describe the supporting evidence with particularity, and include copies of any documents showing that the moving party is entitled to relief under this section.

....

- (d)
  - (1) The court shall grant the motion if it finds by a preponderance of the evidence that:
    - (A) the moving party was convicted of a qualifying crime; and

[I]n the case of a victim, the amount of medical or medically related expenses, loss of wages, and any other expenses that the Board feels became necessary as a direct result of the crime. Medical or medically related expenses may include, but are not limited to, the costs of individual or family psychological, psychiatric, or mental health counseling and the costs of replacing or repairing eyeglasses, hearing aids, dentures, or any prosthetic devices that were taken, lost, or destroyed during the commission of the crime . . . .

<sup>12</sup> Vt. Stat. Ann. tit. 13, § 5355 does not explain what constitutes “good cause” for purposes of this section.

<sup>13</sup> Vt. Stat. Ann. tit. 13, § 2658(a)(1) defines “qualifying crime” as “a criminal offense in this State that is not listed in 33 V.S.A. § 5204(a).” Vt. Stat. Ann. tit. 33, § 5204(a) (Transfer from family division of the superior court) includes the following crimes:

- (1) arson causing death as defined in 13 V.S.A. § 501;
- (2) assault and robbery with a dangerous weapon as defined in 13 V.S.A. § 608(b);
- (3) assault and robbery causing bodily injury as defined in 13 V.S.A. § 608(c);
- (4) aggravated assault as defined in 13 V.S.A. § 1024;
- (5) murder as defined in 13 V.S.A. § 2301;
- (6) manslaughter as defined in 13 V.S.A. § 2304;
- (7) kidnapping as defined in 13 V.S.A. § 2405;
- (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
- (9) maiming as defined in 13 V.S.A. § 2701;
- (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);
- (11) aggravated sexual assault as defined in 13 V.S.A. § 3253; or
- (12) burglary into an occupied dwelling as defined in 13 V.S.A. § 1201(c).

<sup>14</sup> Vt. Stat. Ann. tit. 13, § 2658(a)(2) defines “victim of human trafficking” as “(A) a victim of a violation of section 2652 [Human trafficking] or 2653 [Aggravated human trafficking] of this title; or (B) a victim of a severe form of trafficking” as defined by 22 U.S.C. § 7102(14)(federal Trafficking Victims Protection Act).”

- (B) the conviction was obtained as a result of the moving party's having been a victim of human trafficking.
- (2) If the motion is granted, the court shall vacate the conviction, strike the adjudication of guilt, and expunge the record of the criminal proceedings. The court shall issue an order to expunge, or redact the moving party's name from, all records and files related to the moving party's arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation for the offense.
- (e) Official documentation of a person's status as a victim of human trafficking provided by a federal, state, or local government agency shall create a presumption that the person's conviction was obtained as a result of having been a victim of human trafficking. Such documentation shall not be required to grant a motion under this section.

However, Vt. Stat. Ann. tit. 13, § 2658 applies specifically to “convictions,” and Vt. Stat. Ann. tit. 33, § 5202(a)(1)(A) (Order of adjudication; noncriminal) states, “An order of the Family Division of the Superior Court in proceedings under this chapter [Delinquency Proceedings] shall not . . . be deemed a conviction of crime . . . .” Accordingly, a delinquency adjudication cannot be vacated under Vt. Stat. Ann. tit. 13, § 2658. Further, vacatur is limited to certain offenses, which fails to recognize the array of crimes trafficking victims may be induced to commit and leaves many survivors without any avenue for relief.

- 4.3.1 Recommendation: Strengthen existing law by allowing sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

**Policy Goal 4.4** State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Restitution is mandatory in cases involving child sex trafficking but not CSEC. Pursuant to Vt. Stat. Ann. tit. 13, § 2657(a) (Restitution), “A person convicted of a violation of this subchapter [(Criminal acts) codified under Chapter 60 (Human trafficking)] shall be ordered to pay restitution to the victim pursuant to section 7043 [Restitution] of this title.”

Restitution is available more generally to victims of other crimes under Vt. Stat. Ann. tit. 13, § 7043 (Restitution); however, restitution under Vt. Stat. Ann. tit. 13, § 7043 is discretionary. Subsections (a) and (b) state,

- (a)
  - (1) Restitution shall be considered in every case in which a victim<sup>15</sup> of a crime, as defined in subdivision 5301(4) [Definitions] of this title, has suffered a material loss.
  - (2) For purposes of this section, “material loss” means uninsured property loss, uninsured out-of-pocket monetary loss, uninsured lost wages, and uninsured medical expenses.
  - (3) In cases where restitution is ordered to the victim as a result of a human trafficking conviction under chapter 60 of this title [Human trafficking], “material loss” shall also mean:
    - (A) attorney's fees and costs; and
    - (B) the greater of either:
      - (i) the gross income or value of the labor performed for the offender by the victim; or
      - (ii) the value of the labor performed by the victim as guaranteed by the minimum wage and overtime provisions of 21 V.S.A. § 385.
- (b)

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<sup>15</sup> Vt. Stat. Ann. tit. 13, § 5301(4) (Definitions) defines “victim” as “a person who sustains physical, emotional, or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency and shall also include the family members of a minor, a person who has been found to be incompetent, or a homicide victim.”

- (1) When ordered, restitution may include:
  - (A) return of property wrongfully taken from the victim;
  - (B) cash, credit card, or installment payments paid to the Restitution Unit; or
  - (C) payments in kind, if acceptable to the victim.
- (2) In the event of a victim's crime-related death, the court may, at the request of the Restitution Unit, direct the Unit to pay up to \$ 10,000.00 from the Restitution Fund to the victim's estate to cover future uninsured material losses caused by the death.

4.4.1 Recommendation: Statutorily mandate restitution in CSEC cases.

**Policy Goal 4.5** State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Vermont law allows victims of child sex trafficking to pursue civil remedies against their exploiters. Vt. Stat. Ann. tit. 13, § 2662 (Private cause of action) states,

- (a) A victim of human trafficking may bring an action against the offender in the Civil Division of the Superior Court for damages, injunctive relief, punitive damages in the case of a willful violation, and reasonable costs and attorney's fees. Actual damages may include any loss for which restitution is available under section 2657 [Restitution] of this chapter.
- (b) If the victim is deceased or otherwise unable to represent himself or herself, the victim may be represented by a legal guardian, family member, or other representative appointed by the court, provided that the legal guardian, family member, or other representative appointed by the court has not benefited in any way from the trafficking.
- (c) In a civil action brought under this section, the victim's alleged consent to the human trafficking is immaterial and shall not be admitted.

**EXTRA CREDIT**



Vermont law provides sex trafficked youth with a trafficking-specific civil remedy under Vt. Stat. Ann. tit. 13, § 2662(a), which allows “[a] victim of human trafficking [to] bring an action against the offender . . . .” Vt. Stat. Ann. tit. 13, § 2651(13) (Definitions) defines “victim of human trafficking” as “a victim of a violation of section 2652 of this title.” Importantly, Vt. Stat. Ann. tit. 13, § 2652 (Human trafficking) criminalizes sex trafficking of both minor and adult victims.



Vermont law provides child labor trafficking victims with a trafficking-specific civil remedy under Vt. Stat. Ann. tit. 13, § 2662(a), which allows “[a] victim of human trafficking [to] bring an action against the offender . . . .” Vt. Stat. Ann. tit. 13, § 2651(13) (Definitions) defines “victim of human trafficking” as “a victim of a violation of section 2652 of this title.” Importantly, Vt. Stat. Ann. tit. 13, § 2652 (Human trafficking) criminalizes both sex and labor trafficking.



**Policy Goal 4.6**

Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Child sex trafficking prosecutions may commence at any time; however, the statute of limitation for trafficking-specific civil actions is not lengthened or eliminated. Pursuant to Vt. Stat. Ann. tit. 13, § 4501(a) (Limitation of prosecutions for certain crimes), “Prosecutions for . . . human trafficking [and] aggravated human trafficking . . . may be commenced at any time after the commission of the offense.” In contrast, Vt. Stat. Ann. tit. 13, § 4501(e) establishes a general 3-year statute of limitation for prosecutions of other felony and misdemeanor offenses.

Regarding civil actions, Vt. Stat. Ann. tit. 13, § 2662 (Private cause of action) does not specify a statute of limitation for filing a claim under that section. Accordingly, Vermont’s generally applicable 6-year statute of limitation for civil actions, codified under Vt. Stat. Ann. tit. 12, § 511 (Civil action), applies.

4.6.1 Recommendation: Eliminate the civil statute of limitation for all cases involving child sex trafficking.



## ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

**Policy Goal 5.1** State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Vermont law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child's testimony.

5.1.1 Recommendation: Enact a hearsay exception that applies to non-testimonial evidence in cases involving commercial sexual exploitation of children under 18 years of age.

**Policy Goal 5.2** State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Vermont law does not provide child sex trafficking victims with an alternative to live, in-court testimony. Although Vt. R. Evid. 807 (Testimony where victim is a minor or a person with a psychiatric, intellectual, or developmental disability) permits the court to order the testimony of a child under 13 years of age be taken by closed circuit television (CCTV) during the prosecution of a specified offense, this protection does not extend to victims of sex trafficking or CSEC. Specifically, Vt. R. Evid. 807 provides,

- (a) Application. – This rule applies only to the testimony of a child age 12 or under . . . in a proceeding:
  - (1) in a prosecution for sexual assault under 13 V.S.A. § 3252 or aggravated sexual assault under 13 V.S.A. § 3253 alleged to have been committed against that child . . . ;
  - (2) in a prosecution for lewd and lascivious conduct with a child under 13 V.S.A. § 2602 or incest under 13 V.S.A. § 205 alleged to have been committed against that child;
  - . . . .
  - (5) in a civil action in which one of the parties or witnesses has been an alleged victim of causes of action alleging sexual assault, lewd and lascivious conduct or sexual activity as defined in 33 V.S.A. § 6902;
  - (6) in a prosecution for domestic assault under 13 V.S.A. § 1042 or aggravated domestic assault under 13 V.S.A. § 1043 or § 1044 alleged to have been committed against that child . . .
- (b) Who may move. – The court may, on motion of any party, on its own motion or on motion of the attorney or guardian ad litem for the child . . . order that the testimony of the child . . . be taken by two-way closed-circuit television or by recorded testimony under this rule.
- (c) Finding a trauma. – The court shall make an order for two-way closed-circuit television or recorded testimony under this rule only upon a finding that requiring the child . . . to testify in court will present a substantial risk of trauma to the child . . . which would substantially impair the ability of the child . . . to testify.
- (d) Recorded testimony. – The testimony of the child . . . may be taken outside the courtroom and recorded for showing in the courtroom before the court and the finder of fact in the proceeding . . . .
- (e) Two-way closed-circuit television. – The testimony of the child . . . may be taken in a room other than the courtroom and be televised by two-way closed-circuit equipment to be viewed by the finder of fact and others present in the courtroom . . . .
- (f) Placing of the party against whom the testimony is directed. – During the recording of testimony under subsection (d) of this rule the party shall be situated in such a way that the child . . . can hear and see the party unless the court finds that requiring the . . . to hear and see the party presents a substantial risk of trauma to the child . . . which would substantially impair the ability of the child . . . to testify, in which case

the court may order that the party be situated in such a way that the child . . . cannot hear or see the party. During the taking of testimony by two-way closed-circuit equipment under subsection (e) the party's image shall be transmitted to the witness unless the court finds that requiring the witness to hear and see the party presents a substantial risk of trauma to the witness which would substantially impair the ability of the witness to testify, in which case the image of the party shall not be transmitted to the witness.

(g) In-court testimony not required. – If the court orders the testimony of a child . . . to be taken under this rule, the child . . . may not be required to testify in court at the proceeding for which the testimony was taken, unless otherwise ordered by the court for good cause shown.

- 5.2.1 Recommendation: Strengthen existing protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged.

**Policy Goal 5.3** Child sex trafficking victims have access to victim protections in the criminal justice system.

	<b>Child sex trafficking victims have the right to a victim advocate</b>	<b>Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom</b>	<b>Child sex trafficking victims’ identifying information is protected from disclosure in court records</b>
<b>Summary</b>	Crime victims are entitled to receive assistance from a victim advocate under the Victims Assistance Program.	Not statutorily required.	Not statutorily required.
<b>Relevant Statute(s)</b>	Vt. Stat. Ann. tit. 13, § 5304 (Victims assistance program)	None.	None.

- 5.3.1 Recommendation: Statutorily require that child sex trafficking victims are provided courtroom supports when testifying against their exploiter and their identifying information is protected from disclosure in court records.

**Policy Goal 5.4** State law provides for privileged communications between caseworkers and child sex trafficking victims.

Vermont law does not provide for privileged communications between caseworkers and child sex trafficking victims.

- 5.4.1 Recommendation: Enact a child sex trafficking-specific caseworker privilege law that protects a child sex trafficking victim’s communications with a caseworker from being disclosed.



## ISSUE 6: Prevention & Training

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**Policy Goal 6.1** State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Vermont law does not mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

**Policy Goal 6.2** State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Vermont law does not mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

**Policy Goal 6.3** State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Vermont law does not mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

**Policy Goal 6.4** State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Vermont law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

**Policy Goal 6.5** State law mandates child sex trafficking training for school personnel.

Vermont law does not mandate training on child sex trafficking for school personnel.

6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel.

**Policy Goal 6.6** State law mandates child sex trafficking prevention education in schools.

Vermont law does not mandate child sex trafficking prevention education in schools.

6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.

## State Laws Addressing Child Sex Trafficking

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1. Vt. Stat. Ann. tit. 13, § 2652(a), (b) (Human trafficking) states,
  - (a) No person shall knowingly:
    - (1) recruit, entice, harbor, transport, provide, or obtain by any means a person under the age of 18 for the purpose of having the person engage in a commercial sex act;<sup>16</sup>  
.....
    - (4) benefit financially or by receiving anything of value from participation in a venture, knowing that force, fraud, or coercion was or will be used to compel any person to engage in a commercial sex act as part of the venture;  
.....
  - (b) A person who violates subsection (a) of this section shall be imprisoned for a term up to and including life or fined not more than \$ 500,000.00, or both.
  
2. Vt. Stat. Ann. tit. 13, § 2653(a), (b) (Aggravated human trafficking) states,
  - (a) A person commits the crime of aggravated human trafficking if the person commits human trafficking in violation of section 2652 of this title under any of the following circumstances:
    - (1) the offense involves a victim of human trafficking who is a child under the age of 18;
    - (2) the person has previously been convicted of a violation of section 2652 of this title;
    - (3) the victim of human trafficking suffers serious bodily injury or death; or
    - (4) the actor commits the crime of human trafficking under circumstances that constitute the crime of sexual assault as defined in section 3252 of this title, aggravated sexual assault as defined in section 3253 of this title, or aggravated sexual assault of a child as defined in section 3253a of this title.
  - (b) A person who violates this section shall be imprisoned not less than 20 years and a maximum term of life or fined not more than \$ 100,000.00, or both.
  
3. Vt. Stat. Ann. tit. 13, § 2654(a) (Patronizing or facilitating human trafficking) states,
  - (a) No person shall knowingly:
    - (1) permit a place, structure, or building owned by the person or under the person's control to be used for the purpose of human trafficking;
    - (2) receive or offer or agree to receive or offer a person into a place, structure, or building for the purpose of human trafficking; or
    - (3) permit a person to remain in a place, structure, building, or conveyance for the purpose of human trafficking.
  - (b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$ 100,000.00, or both.
  
4. Vt. Stat. Ann. tit. 13, § 2656 (Human trafficking by a business entity; dissolution) states,

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<sup>16</sup> Vt. Stat. Ann. tit. 13, § 2651(3) (Definitions) defines “commercial sex act” as “any sexual act, sexual conduct, or sexually explicit performance on account of which anything of value is promised to, given to, or received by any person.”

If a business entity, including a corporation, partnership, association, or any other legal entity, is convicted of violating this chapter, the Attorney General may commence a proceeding in the Civil Division of the Superior Court to dissolve the entity pursuant to 11A V.S.A. §§ 14.30-14.33.

# State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

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None