

Legal System	Constitution	Bill of Rights	Form of Government
Common Law	Written	Yes	Republic
Statutory Law			

A. Criminal Statutes

- 1. Human Trafficking and Related Offenses
 - a. Vt. Stat. Ann. tit. 13, § 2652 (2011) Human Trafficking
 - i. Summary

It is a felony to "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;
- (2) recruit, entice, harbor, transport, provide, or obtain a person through force, fraud, or coercion for the purpose of having the person engage in a commercial sex act;
- (3) compel a person through force, fraud, or coercion to engage in a commercial sex act;
- (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;
- (5) subject a person to labor servitude;
- (6) recruit, entice, harbor, transport, provide, or obtain a person for the purpose of subjecting the person to labor servitude; or
- (7) benefit financially or by receiving anything of value from participation in a venture, knowing that a person will be subject to labor servitude as part of the venture.

Vt. Stat. Ann. tit. 13, § 2652(a).1

Vermont defines "coercion" as:

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

¹ Vermont House Bill No. 193 was introduced in February 2021 and referred to the House Committee on Judiciary. If passed, the Bill would prohibit promoting or advertising the services of someone who is trafficked by adding "promote" and "advertise" into section 2652(a)(1), (2). It would also allow, under certain circumstances, a human trafficking victim who is under the age of 12 or who has a psychiatric, intellectual, or development disability to testify in court by two-way closed circuit television or by recorded testimony in cases for alleged violations of sections 2652 or 2653. *See* https://legislature.vermont.gov/bill/status/2022/H.193.

- (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious bodily or financial harm to or physical restraint of any person;
- (C) the abuse or threatened abuse of law or the legal process;
- (D) withholding, destroying, or confiscating any actual or purported passport, immigration document, or any other government identification document of another person;
- (E) providing a drug, including alcohol, to another person with the intent to impair the person's judgment or maintain a state of chemical dependence;
- (F) wrongfully taking, obtaining, or withholding any property of another person;
- (G) blackmail [defined as "the extortion of money, labor, commercial sexual activity, or anything of value from a person through use of a threat to expose a secret or publicize an asserted fact, whether true or false, that would tend to subject the person to hatred, contempt, ridicule, or prosecution," Vt. Stat. Ann. tit. 13, § 2651(1)];
- (H) asserting control over the finances of another person;
- (I) debt bondage [defined as "a condition or arrangement in which a person requires that a debtor or another person under the control of a debtor perform labor, services, sexual acts, sexual conduct, or a sexually explicit performance in order to retire, repay, or service a real or purported debt that the person has caused with the intent to defraud the debtor," Vt. Stat. Ann. tit. 13, § 2651(4)]; or
- (J) withholding or threatening to withhold food or medication.

Vt. Stat. Ann. tit. 13, § 2651(2).

"Commercial sex act" means "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." Vt. Stat. Ann. tit. 13, § 2651(3).

"Labor servitude" means "labor or services performed or provided by a person that are induced or maintained through force, fraud, or coercion." Vt. Stat. Ann. tit. 13, § 2651(7).

In a prosecution of an alleged human trafficker, "the victim's alleged consent to the human trafficking is immaterial." Vt. Stat. Ann. tit. 13, § 2652(d). Furthermore, opinion evidence or evidence of the reputation of the complaining witness's sexual conduct is not admissible. Evidence of the complaining witness's prior sexual conduct is only admissible for limited purposes. Vt. Stat. Ann. tit. 13, § 3255(a).

Victims of sex trafficking crimes under Vt. Stat. Ann. tit. 13, § 2652(a)(1)–(4) shall not be found to have violated the Vermont laws against lewdness (title 13, chap. 59), prostitution (title 13, chap. 59), or obscenity (title 13, chap. 5963) for any conduct committed as a result of sex trafficking. Vt. Stat. Ann. tit. 13, § 2652(c)(1). If a victim of sex trafficking is prosecuted for an offense other than lewdness, prostitution, or obscenity, the victim "may raise an affirmative defense that [they] committed the offense as a result of force, fraud, or coercion by a sex trafficker." Vt. Stat. Ann. tit. 13, § 2652(c)(2).

Vermont also protects juvenile victims of human trafficking from criminal prosecution. 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 Vt. Stat. Ann. tit. 13, § 2632 (Prostitution) but may be treated as a juvenile under 33 Vt. Stat. Ann. chapter 52 (Delinquency Proceedings) or referred to the Department for Children and Families for treatment under 33 Vt. Stat. Ann. chapter 53 (Children in Need of Care or Supervision). Vt. Stat. Ann. tit. 13,

§ 2652(c)(1)(B). If "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 proceeding." Vt. Stat. Ann. tit. 13, § 2652(e).

ii. Sentencing

A person who engages in any conduct prohibited under Vt. Stat. Ann. tit. 13, § 2652 shall be imprisoned for a term up to and including life, fined up to USD 500,000, or both. Vt. Stat. Ann. tit. 13, § 2652(b).

In addition, the court shall order a person convicted of a violation of the human trafficking statute to pay restitution to the victim. Vt. Stat. Ann. tit. 13, § 2657. In Vermont, restitution to a victim of human trafficking can include uninsured property loss, uninsured out-of-pocket monetary loss, uninsured lost wages, uninsured medical expenses, attorney's fees and costs, and 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. Vt. Stat. Ann. tit. 13, § 7043.

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. Vt. Stat. Ann. tit. 13, § 2656.

iii. Statute of Limitations

Prosecutions for human trafficking may be commenced at any time after the commission of the offense. Vt. Stat. Ann. tit. 13, § 4501(a).

b. Vt. Stat. Ann. tit. 13, § 2653 (2011) - Aggravated Human Trafficking

i. Summary

A person commits the crime of aggravated human trafficking if the person commits any human trafficking violation as set forth in Vt. Stat. Ann. tit. 13, § 2652 and:

- (1) the offense involves a victim of human trafficking who is a child under the age of 18;
- (2) the person previously was convicted of a [human trafficking violation under Vt. Stat. Ann. tit. 13, § 2652];
- (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 [Vt. Stat. Ann. tit. 13, § 3252], aggravated sexual assault as defined in [Vt. Stat. Ann. tit. 13, § 3253], or aggravated sexual assault of a child as defined in [Vt. Stat. Ann. tit. 13, § 3253a].

Vt. Stat. Ann. tit. 13, § 2653(a).

Vermont defines the crime of sexual assault as:

- (A) compelling another person to engage in a sexual act;
 - (i) "without their consent,"
 - (ii) "by threatening or coercing the other person," or
 - (iii) "by placing the other person in fear that any person will suffer imminent bodily injury";

- (B) "engag[ing] in a sexual act with another person when the other person is incapable of consenting to the sexual act due to substantial impairment by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person";
- (C) "engag[ing] in a sexual act with another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring";
- (D) "administer[ing] any alcohol, drugs, or other intoxicants to another person without the person's knowledge or against the person's will and, while the person is impaired by the alcohol, drugs, or intoxicants, engag[ing] in a sexual act with that person";
- (E) "engag[ing] in a sexual act with a child who is under the age of 16, except:"
 - (i) "where the persons are married to each other and the sexual act is consensual," or
 - (ii) "where the person is less than 19 years old, the child is at least 15 years old, and the sexual act is consensual";
- (F) "engag[ing] in a sexual act with a child who is under the age of 18 and is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild"; or
- (G) "engag[ing] in a sexual act with a child under the age of 16 if:"
 - (i) "the victim is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild," or
 - (ii) "the actor is at least 18 years of age, resides in the victim's household, and serves in a parental role with respect to the victim."

Vt. Stat. Ann. tit. 13, § 3252.

Vermont defines the crime of aggravated sexual assault as:

- (1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.
- (2) The actor is joined or assisted by one or more persons in physically restraining, assaulting, or sexually assaulting the victim.
- (3) The actor commits the sexual act under circumstances which constitute the crime of kidnapping.
- (4) The actor previously was convicted in Vermont of sexual assault under subsection 3252(a) or (b) of [Title 13], aggravated sexual assault, or was convicted in any jurisdiction in the United States or territories of an offense that would constitute sexual assault under subsection 3252(a) or (b) of [Title 13] or aggravated sexual assault if committed in this State.
- (5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.
- (6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.
- (7) At the time of the sexual assault, the actor applies deadly force to the victim.

- (8) The victim is under the age of 13 and the actor is at least 18 years of age.
- (9) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.

Vt. Stat. Ann. tit. 13, § 3253(a).

Vermont defines the crime of aggravated sexual assault of a child as when someone who is 18 years or older: commits sexual assault against a child under the age of 16 in violation of section 3252 and at least one of the following circumstances exists:

- (1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.
- (2) The actor is joined or assisted by one or more persons in physically restraining, assaulting, or sexually assaulting the victim.
- (3) The actor commits the sexual act under circumstances which constitute the crime of kidnapping.
- (4) The actor has previously been convicted in this State of sexual assault under subsection 3252(a) or (b) of [Title 13], aggravated sexual assault under section 3253 of [Title 13], or aggravated sexual assault of a child under this section, or has been convicted in any jurisdiction in the United States or territories of an offense which would constitute sexual assault under subsection 3252(a) or (b) of [Title 13], aggravated sexual assault under section 3253 of [Title 13], or aggravated sexual assault of a child under this section if committed in this State.
- (5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.
- (6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another, and the victim reasonably believes that the actor has the present ability to carry out the threat.
- (8) At the time of the sexual assault, the actor applies deadly force to the victim.
- (8) The actor subjects the victim to repeated nonconsensual sexual acts as part of the same occurrence or as part of the actor's common scheme and plan.

Vt. Stat. Ann. tit. 13, § 3253a(a).

Opinion evidence or evidence of the reputation of the complaining witness's sexual conduct may not be admitted. Evidence of the complaining witness's prior sexual conduct is only admissible for limited purposes. Vt. Stat. Ann. tit. 13, § 3255(a).

ii. Sentencing

A person who is convicted of the offense of aggravated human trafficking shall be imprisoned for a term between 20 years and life, fined up to USD 100,000, or both. Vt. Stat. Ann. tit. 13, § 2653(b). In addition, the court shall order a person convicted of a violation of the human trafficking statute to pay restitution to the victim. Vt. Stat. Ann. tit. 13, § 2657.

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. Vt. Stat. Ann. tit. 13, § 2656.

iii. Statute of Limitations

Prosecutions for aggravated human trafficking may be commenced at any time after the commission of the offense. Vt. Stat. Ann. tit. 13, § 4501(a).

- c. Vt. Stat. Ann. tit. 13, § 2654 (2011) Patronizing or Facilitating Human Trafficking
 - i. Summary

It is a felony for any person to 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.

Vt. Stat. Ann. tit. 13, § 2654(a).

ii. Sentencing

A person who is convicted of patronizing or facilitating human trafficking shall be imprisoned for a term up to five years, fined up to USD 100,000, or both. Vt. Stat. Ann. tit. 13, § 2654(b). In addition, the court shall order a person convicted of this offense to pay restitution to the victim. Vt. Stat. Ann. tit. 13, § 2657.

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. Vt. Stat. Ann. tit. 13, § 2656.

iii. Statute of Limitations

The statute of limitations on a prosecution for patronizing or facilitating human trafficking is three years after the commission of the offense. Vt. Stat. Ann. tit. 13, § 4501(e).

- d. Vt. Stat. Ann. tit. 13, § 2655 (2011) Solicitation of a Commercial Sex Act
 - i. Summary

It is a crime to "knowingly solicit a commercial sex act from a victim of human trafficking." Vt. Stat. Ann. tit. 13, § 2655(a).

ii. Sentencing

A person who is convicted for solicitation shall be imprisoned for a term up to five years, fined up to USD 100,000, or both. Vt. Stat. Ann. tit. 13, § 2655(b). In addition, the court shall order a person convicted of this offense to pay restitution to the victim. Vt. Stat. Ann. tit. 13, § 2657.

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. Vt. Stat. Ann. tit. 13, § 2656.

iii. Statute of Limitations

The statute of limitations is three years after the commission of the offense. Vt. Stat. Ann. tit. 13, § 4501(e).

e. Vt. Stat. Ann. tit. 13, § 2658 (2019) – Motion to Vacate by Human Trafficking Victim and Expungement

A human trafficking victim who has been "convicted of a qualifying crime may file a motion to vacate the conviction if it was obtained as a result of the person having been a human trafficking victim. Certain serious crimes, such as murder, assault with a deadly weapon, manslaughter, and kidnapping, are excluded." Vt. Stat. Ann. tit. 13, § 2658(a), (b).

"The court shall grant the motion if it finds by a preponderance of the evidence that:

- (1) the moving party was convicted of a qualifying crime; and
- (2) the conviction was obtained as a result of the moving party's having been a human trafficking victim."

Vt. Stat. Ann. tit. 13, § 2658(d)(1).

"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." Vt. Stat. Ann. tit. 13, § 2658(d)(2).

Official documentation of a person's status as a human trafficking victim provided by a federal, state, or local government agency shall create a presumption that the person's conviction was obtained because the person was a victim of human trafficking. Vt. Stat. Ann. tit. 13, § 2658(e).

- f. Vt. Stat. Ann. tit. 13, § 2635 (2020) Slave Traffic
 - i. Summary

Under Vermont law, it is a felony to:

- (1) induce, entice, or procure a person to come into the State or to go from the State for the purpose of prostitution or for any immoral purpose or to enter a house of prostitution in the State;
- (2) willfully or knowingly aid such person in obtaining transportation to or within the State for such purposes;
- (3) place a person in the charge or custody of another person for immoral purposes or in a house of prostitution;
- (4) induce, entice, procure, or compel such person to reside in a house of prostitution; or
- (5) induce, entice, procure, or compel such person to live a life of prostitution.

Vt. Stat. Ann. tit. 13, § 2635(a).

"Prostitution" means "the offering or receiving of the body for sexual intercourse for hire" and "the offering or receiving of the body for indiscriminate sexual intercourse without hire." Vt. Stat. Ann. tit. 13, § 2631(1).

ii. Sentencing

A person who violates Vt. Stat. Ann. tit. 13, § 2635 shall be imprisoned for a term between one and 10 years, fined between USD 200 to USD 2,000, or both. Vt. Stat. Ann. tit. 13, § 2635(b)

iii. Statute of Limitations

The statute of limitations for a slave traffic prosecution is three years after the commission of the offense. *See* Vt. Stat. Ann. tit. 13, § 4501(e).

g. Vt. Stat. Ann. tit. 13, § 2407 (1989) – Unlawful Restraint in the First Degree

i. Summary

A person who knowingly restrains another person and exposes that person to a risk of serious bodily injury, or holds another person in a condition of involuntary servitude, commits the crime of unlawful restraint in the first degree. Vt. Stat. Ann. tit. 13, § 2407(a)(2).

ii. Sentencing

Unlawful restraint in the first degree is punishable by imprisonment for not more than 15 years, a fine of not more than USD 50,000, or both. Vt. Stat. Ann. tit. 13, § 2407(b).

iii. Statute of Limitations

The statute of limitations for an unlawful restraint in the first degree prosecution is three years after the commission of the offense. See Vt. Stat. Ann. tit. 13, § 4501(e).

2. Online Child Sexual Exploitation and Child Pornography Offenses

Vt. Stat. Ann. tit. 13, § 2602 - Lewd or Lascivious Conduct with Child

Vt. Stat. Ann. tit. 13, § 2822 – Use of a Child in a Sexual Performance

Vt. Stat. Ann. tit. 13, § 2823 – Consenting to a Sexual Performance

Vt. Stat. Ann. tit. 13, § 2824 – Promoting a Recording of Sexual Conduct

Vt. Stat. Ann. tit. 13, § 2826 – Evidence of Age

Vt. Stat. Ann. tit. 13, § 2827 – Possession of Child Pornography

Vt. Stat. Ann. tit. 13, § 2828 - Luring a Child

Vt. Stat. Ann. tit. 13, § 3258 – Sexual Exploitation of a Minor

3. Vt. Stat. Ann. tit. 13, § 5402 (2009) – Sex Offender Registry

With limited exemptions, a person who is convicted of offenses including human trafficking, aggravated human trafficking, lewd and lascivious conduct with a child, selling or buying of children, sexual exploitation of children, sex trafficking of children, and sexual exploitation of a minor shall register as a sex offender. Vt. Stat. Ann. tit. 13, §§ 5401, 5402, 5407.

B. Civil Liability Statutes

- 1. Vt. Stat. Ann. tit. 13, § 2662 (2011) Private Lawsuits
 - a. Summary

A victim of human trafficking may bring a civil lawsuit against the offender. Vt. Stat. Ann. tit. 13, § 2662(a). If the victim is deceased or otherwise unable to represent themself, the victim may be represented by a legal guardian, family member, or other representative appointed by the court so long as that person "has not benefited in any way from the trafficking." Vt. Stat. Ann. tit. 13, § 2662(b).

The victim's alleged consent to the trafficking is immaterial and inadmissible in a civil lawsuit brought under this section. Vt. Stat. Ann. tit. 13, § 2662(c).

b. Damages and Other Relief

A victim may recover damages, injunctive relief, reasonable costs, and attorney's fees. A victim may also recover punitive damages in the case of a willful violation. Actual damages may include any loss for which restitution is available under section 2657. Vt. Stat. Ann. tit. 13, § 2662(a).

c. Statute of Limitations

The statute of limitations for civil lawsuits is six years. Vt. Stat. Ann. tit. 12, § 511. The statute of limitations is tolled while the plaintiff is a minor, lacks capacity to sue because of a mental condition or psychiatric disability, or is imprisoned. Vt. Stat. Ann. tit. 12, § 551(a).

C. Additional Statutes Specific to Human Trafficking

1. Vt. Stat. Ann. tit. 13, § 2661 (2011) - Resource Guide Posting

A notice offering help to human trafficking victims and the national hotline phone number "shall be accessible on the official website of the Vermont Department of Labor and may be posted in a prominent and accessible location in workplaces."

2. Vt. Stat. Ann. tit. 13, § 2663 (2011) – Assessment of Victims' Eligibility for Benefits, Services, and Immigration Assistance

As soon as practicable after encountering someone who appears to be a human trafficking victim, the law enforcement agency, State's Attorneys' office, or Office of the Attorney General should assess whether the victim is eligible for benefits and services, including immigration assistance, and notify the victim of those services.

3. Vt. Stat. Ann. tit. 15, § 1152 (2013) – Address Confidentiality Program

A human trafficking victim who fears that having an address disclosed would increase the risk of human trafficking can petition the Secretary of State for a confidential address.

4. Vt. Stat. Ann. tit. 15, § 1157 (2012) – Secretary of State Assistance to Victims for Counseling and Shelter Programs

The Secretary of State shall make available a list of state and local agencies and nonprofit agencies that provide counseling and shelter to victims of domestic violence, sexual assault, stalking, and human trafficking and assist those persons in applying to participate in those programs.

5. Vt. Stat. Ann. tit. 21, § 395 (2001) - Civil Lawsuit for Minimum Wage

An employee may bring a civil lawsuit to recover unpaid wages. A prevailing employee may recover twice the amount of wages owed, plus costs and reasonable attorney's fees. Vt. Stat. Ann. tit. 21, § 395. A noncompliant employer may be subject to additional penalties. Vt. Stat. Ann. tit. 21, §§ 345, 394.

More information is available at: https://labor.vermont.gov/sites/labor/files/doc_library/WH-13-Wage-and-Hour-Laws-2019%20.pdf.

6. Vt. Stat. Ann. tit. 29, § 922 (2008) - Bids for the Sale of Apparel, Footwear, or Textiles to the State

An organization that contracts with the state to supply apparel, footwear, or textiles must certify that the supplier "complies with all human and labor rights treaty obligations that are shared by the United States and the country in which the goods are assembled, including obligations with regard to forced labor, indentured labor, slave labor, child labor, involuntary prison labor, physical and sexual abuse, and freedom of association."

7. Vt. Stat. Ann. tit. 24, § 1940 (2015) - Special Investigative Units

The Department of State's attorneys and sheriffs shall coordinate efforts to provide access in each region of the state to special investigative units, which shall investigate potential crimes of human trafficking and sexual exploitation of children.

D. Significant Cases

No significant cases regarding Vermont's trafficking statutes were found.

E. Academic Research/Papers

No academic research or papers were found regarding Vermont's trafficking statutes.

F. Resources

National Human Trafficking Hotline (Vermont):

https://humantraffickinghotline.org/state/vermont

Shared Hope International, Vermont Report Card (2019):

http://sharedhope.org/PICframe9/reportcards/PIC RC 2019 VT.pdf

Shared Hope International, Vermont Analysis and Recommendations (2019):

http://sharedhope.org/PICframe9/analysis/PIC AR 2019 VT.pdf

U.S. Department of Health & Human Services, Vermont: Efforts to Combat Human Trafficking (2017):

https://nhttac.acf.hhs.gov/sites/default/files/2019-

06/vermont profile efforts to combat human trafficking.pdf

Vermont Human Trafficking Victim Resource Guide (2020):

http://www.ccvs.vermont.gov/assets/documents/VT%20Human%20Trafficking%20Resource%20Guide%2 0for%20Providers.pdf

Human Trafficking Task Force Coordinator

http://www.ccvs.vermont.gov/about/staff-board-members/member-rosalind-renfrew

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