

2004 -2007 Legislative Acts Regarding Sex Offenses

H.148. AN ACT RELATING TO THE CHILD ABUSE REGISTRY AND INCREASED SEX OFFENDER REGISTRY REQUIREMENTS (2007)

- Established heightened sex offender registry requirements for persons designated noncompliant high-risk sex offenders by the department of corrections. These offenders are automatically subject to lifetime sex offender registration and community notification, must report to the department of public safety within 15 days after their release and every 30 days after that, and must inform the department of any changes in name, residence, post-secondary education status, or employment. They must also provide the department with identifying information about their vehicles, and are prohibited from operating any other vehicles at any time. An offender violates any of these heightened registry requirements is subject to a prison sentence of not less than five years and a mandatory maximum of life. The sentence may not be suspended, and the offender cannot be eligible for parole or other early release, unless the offender is placed under intensive supervision by the department of corrections.

NO. 192. AN ACT RELATING TO ENHANCING SENTENCES FOR AND PREVENTING RISKS POSED BY DANGEROUS SEXUAL OFFENDERS. (ALSO KNOWN AS THE "SEXUAL VIOLENCE PREVENTION ACT." (2006)

- Established a sentencing system, called "indeterminate lifetime sentencing," which mandates lifetime maximum sentences for most sex offenders. For most offenses, minimum sentences are not mandated and will therefore vary according to the circumstances associated with the crime. This means that, after the offender's release, he or she will continue to be under the supervision of the department of corrections for life and will be subject to the underlying lifetime maximum term of incarceration if he or she re-offends or violates the terms of probation. Additionally, the offender must complete sex offender treatment and programming in order to be eligible for release.
- For lewd and lascivious conduct with a child, established a presumptive minimum sentence of five years of incarceration for a second offense and ten years of incarceration for a third or subsequent offense.
- For aggravated sexual assault, established a presumptive minimum sentence of ten years of incarceration and a mandatory minimum sentence of five years of incarceration.

- Permitted arrest without a warrant for failure to comply with sex offender registry requirements, and increased the penalty for knowingly failing to comply for more than five consecutive days to a five-year felony.
- Required high risk offenders to report to the department of corrections within 36 hours of any change of address instead of the standard 72 hours for other sex offenders.
- Added all recidivist sex offenders to the internet sex offender registry, as well as offenders who commit lewd and lascivious conduct with a child if the offender is determined by the department of corrections to be high risk.
- Increased public access to sex offender registry information.
- Required the department of corrections to conduct pre-sentence investigations, which may include psychosexual evaluations, for all sex offenders, and to develop a release plan and a community reentry support team for all high risk sex offenders.
- Required the department of corrections, prior to the release of a sex offender, to give careful consideration to the proximity of the offender's residence to any risk group associated with the offender.
- Created an "age gap," exception to some sexual offenses when both parties have consented to the sexual conduct and one of the parties is a minor. Under the age gap exception, no crime is committed if a person is charged with lewd and lascivious conduct with a child, luring a child, or statutory rape, and the person is less than 19 years old, the child is at least 15 years old, and the conduct is consensual.
- Directed the antiviolence partnership at the University of Vermont to convene an education task force on sexual violence prevention.
- Expanded special investigative units, which specialize in investigating sex crimes, to all regions of Vermont.

NO. 193. AN ACT RELATING TO ORDERS AGAINST STALKING OR SEXUAL ASSAULT, NO CONTACT ORDERS, AND ESTABLISHING A VICTIMS' RIGHTS STUDY COMMITTEE. (2006)

- Created a process for obtaining an order against stalking or sexual assault that is closely modeled on the procedures for obtaining a relief from domestic abuse order. A person who was the victim of lewd and lascivious conduct with a child, sexual assault or aggravated sexual assault may obtain an order from the court directing the defendant to stay away from the plaintiff and his or her children. A

violation of the order is a crime, and upon conviction, the court may order the defendant to participate in mental health counseling or sex offender treatment approved by the department of corrections.

NO. 79. AN ACT RELATING TO CRIMINAL ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS. (2005)

- Increased penalties for lewd and lascivious conduct with a child. Maximum life in prison for recidivists.
- Prohibited a person who is convicted of aggravated sexual assault from being eligible for early release or furlough until the expiration of the minimum sentence imposed. Crime is punishable by up to life in prison.
- Streamlined process for designating an offender as a sexually violent predator, requiring, prior to sentencing, a presentence investigations and a psychosexual evaluation on person suspected of being a predator.
- Appropriated \$50,000.00 in FY 06 to the department of corrections for the purpose of funding psychosexual evaluations as a part of presentence investigations conducted by the department in cases involving a petition to have a person designated as a sexually violent predator or in sentencing for the crimes of lewd and lascivious conduct with a child, aggravated sexual assault, and second offense use of electronic communication to lure a child. Required DOC to include this money in all future budgets.

NO. 83. AN ACT RELATING TO COMMUNITY SAFETY. (ALSO KNOWN AS "THE SAFE COMMUNITES ACT." (2005)

- Established a new voyeurism crime, commonly known as a "Peeping Tom" law.
- Amended the stalking laws to include harassment of a family member and eased standard regarding fear of physical safety or emotional distress. Increased the penalty for stalking while in the possession of a deadly weapon.
- Required the posting of pre-1996 sex offense convictions for offenders listed on the internet registry because they are recidivists.

- Affirmed the right of law enforcement to engage in active community notification if law enforcement believes a particular sex offender poses a risk to members of the community.
- Required the department of corrections to identify all sex offenders under its supervision who are high-risk and to designate them as such so that their information will be available on the internet sex offender registry.
- Authorized special investigation organized and operating under current law for the investigation of sex crimes, child abuse, elder abuse, domestic violence, or crimes against those with physical or developmental disabilities units to obtain and disburse grant money in furtherance of their duties.
- Required all felons to submit a DNA sample upon conviction.

NO. 157. AN ACT RELATING TO SEX OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION. (2004)

- Established an internet sex offender registry.
- Increased public access to registry information through telephone or other contact with law enforcement agencies or the registry.
- Required sex offenders who attend college in Vermont to keep the registry informed of their enrollment status at a particular campus. Campus police would be notified that a registered sex offender is attending classes as a student.
- Required persons who are convicted in federal court of a sexual offense to register as sex offenders in Vermont if they are living in this state.
- Permitted homeless registrants to make arrangements with the registry to keep their information current even though they do not have a permanent fixed address.
- Permitted the department of corrections to evaluate and designate certain sex offenders as high risk, which would subject such offenders to increased notification procedures.
- Increased immunity for law enforcement and corrections employees in connection with the release of registry information provided that the actions were not the result of gross negligence or willful misconduct.
- Required the department of public safety in cooperation with the department of corrections to develop a comprehensive training program to inform and instruct

law enforcement and corrections personnel on the operation of the sex offender registry and the administration of this act.

- Required the Vermont center for crime victim services in collaboration with the Vermont network against domestic violence and sexual assault and other appropriate agencies to develop a comprehensive plan for public education regarding sexual violence in Vermont.

NO. 63. AN ACT RELATING TO CORRECTIONS. (2005)

With respect to good time:

- required that department of corrections bookkeeping be updated to reflect good time reductions for time actually earned before July 1, 2005.
- provided that each inmate who committed a crime before July 1, 2005 would prospectively receive all good time reductions to which the inmate might potentially be entitled in the future in one lump sum under whatever system was in place at the time s/he committed the crime.
- required that notice be provided to victims and offenders regarding the impact of this section on minimum and maximum sentences.
- repealed 28 V.S.A. § 811 (good time) so that there would be no reduction in minimum or maximum terms for inmates who commit a crime after June 30, 2005 (except while in a work camp as provided below).
- provided that a work camp inmate may receive a 1:1 reduction in the minimum and maximum terms of incarceration upon demonstration of a high level of performance in the program.