

CONSEQUENCES FOR SEX OFFENSES AGAINST A CHILD IN VERMONT

Offense	Criminal Penalty	Registry	Other
<p>Lewd and Lascivious Conduct with a Child (any lewd or lascivious act upon a child under 16 with the intent of arousing or gratifying the actor's or child's sexual desires)</p>			
<p>“Advisory minimum” must be subject to Dept. of Corrections (DOC) supervision, though not necessarily incarceration.</p> <p>“Advisory maximum” means maximum period defendant <i>may</i> be subject to DOC supervision, though not necessarily incarceration.</p>	<p><u>First offense:</u> Minimum: 2 years (advisory) Maximum: 15 years (advisory)</p>	<p><u>First offense:</u> Registration and notification for 10 years or lifetime for noncompliant high-risk offenders; Internet registry if designated high-risk by DOC</p>	<p><u>Presentence investigation (PSI) required for all offenders:</u></p> <p>PSI must include assessment of offender's risk of reoffense, determination of whether person is high-risk offender, and psychosexual evaluation if ordered by the court. DOC must prepare recommendation for programming and treatment for all persons for whom PSI is required.</p>
<p>“Presumptive minimum” must be served as period of incarceration unless judge finds on the record that downward departure to lesser sentence would serve the interests of justice and public safety.</p> <p>“Mandatory maximum” means period defendant <i>shall</i> be subject to DOC supervision, though not necessarily incarceration.</p>	<p><u>Second offense:</u> Minimum: 5 years (presumptive) Maximum: life (mandatory)</p> <p><u>Third offense:</u> Minimum: 10 years (presumptive) Maximum: life (mandatory)</p>	<p><u>Second offense:</u> Lifetime registration and notification, including Internet registry</p> <p><u>Third offense:</u> Lifetime registration and notification, including Internet registry</p>	<p><u>Indeterminate sentencing applies to second or subsequent offenses:</u></p> <p>Mandatory lifetime maximum sentence.</p> <p>If sentence is wholly or partially suspended, sex offender conditions and treatment must be a condition of probation.</p> <p>If sentence is for an unsuspended term of incarceration, person shall not be released until successfully completing all sex offender treatment and programming required by DOC, unless department determines the person poses a sufficiently low risk of reoffense or that a program can be implemented which adequately supervises the person and addresses any risk the person may pose to the community.</p>
<p>Lewd and Lascivious Conduct</p>	<p>Minimum: none Maximum: 5 years (advisory)</p>	<p><u>First offense:</u> Registration and notification for 10</p>	<p>Presentence investigation required for all offenders.</p>

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		years or lifetime for noncompliant high-risk offenders; Internet registry if designated high-risk by DOC <u>Second or subsequent offense:</u> Lifetime registration and notification, including Internet registry	
Sexual Assault			Presentence investigation required for all offenders.
General: includes without consent, by threat or coercion, placing in fear of imminent bodily injury, use of drugs or alcohol.	Minimum: 3 years (advisory) Maximum: life (mandatory)	Lifetime registration and notification, including Internet registry	Indeterminate sentencing applies to general and entrustment offenses, but not to offenses based solely on age.
Also includes entrustment—if child is under 18 and entrusted to actor’s care by authority of law, or is actor’s child, grandchild, foster child, adopted child, or stepchild, or if actor is at least 18, resides in victim’s household, and serves in parental role w/respect to victim.	Same	Lifetime registration and notification, including Internet registry	
Based solely on age (“statutory rape”)— if child is under 16, unless persons are married and sexual act is consensual, or unless actor is less than 19, child is at least 15, and sexual act is consensual.	Minimum: none Maximum: 20 years (advisory)	Lifetime registration and notification, including Internet registry; however, if a person convicted of sexual assault is not more than six years older than the victim of the assault and if the victim is 14 years or older, then the offender shall be subject to	

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		the 10-year registration period and not lifetime registration if the age of the victim was the basis for the conviction	
<p>Aggravated Sexual Assault (Sexual assault where victim is under age 13 and actor is at least 18)</p> <p>“Mandatory minimum” must be served as period of incarceration.</p>	<p>Minimums: 5 years (mandatory) 10 years (presumptive) Maximum: life (mandatory)</p>	<p>Lifetime registration and notification, including Internet registry</p>	<p>Presentence investigation required for all offenders.</p> <p>Indeterminate sentencing applies to all offenses.</p>
<p>Luring a Child (to engage in a sexual act or lewd and lascivious conduct)</p>	<p>Minimum: none Maximum: 5 years (advisory)</p>	<p><u>First offense:</u> Registration and notification for 10 years or lifetime for noncompliant high-risk offenders; Internet registry if designated high-risk by DOC</p> <p><u>Second or subsequent offense:</u> Lifetime registration and notification, including Internet registry</p>	<p>Presentence investigation required for all offenders.</p>
<p>Possession of Child Pornography</p>	<p><u>Clearly lewd exhibition:</u> Minimum: none Maximum: 2 years (advisory)</p> <p><u>Sexual conduct:</u> Minimum: none Maximum: 5 years (advisory)</p> <p><u>Second or subsequent offense:</u> Minimum: none</p>	<p><u>First offense:</u> Registration and notification for 10 years or lifetime for noncompliant high-risk offenders; Internet registry if designated high-risk by DOC</p> <p><u>Second or Subsequent offense:</u> Lifetime registration and notification, including Internet registry</p>	<p>Presentence investigation required for all offenders.</p>

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	Maximum: 10 years (advisory)		
Use of Child in Sexual Performance, Consenting to Sexual Performance (by a child), Promoting Recording of Sexual Conduct (by a child)	Minimum: none Maximum: 10 years (advisory) <u>Second or subsequent offense:</u> Minimum: 1 year (advisory) Maximum: 10 years (advisory)	<u>First offense:</u> Registration and notification for 10 years or lifetime for noncompliant high-risk offenders; Internet registry if designated high-risk by DOC <u>Second or subsequent offense:</u> Lifetime registration and notification, including Internet registry	Presentence investigation required for all offenders.

* Vermont law provides that the following sex offenders are subject to lifetime registration and notification, including the Internet, regardless of the predicate crimes:

- Recidivists
- Offenders designated by DOC as sexually violent predators pursuant to 13 V.S.A. § 5405.
- Offenders designated by DOC as noncompliant high-risk sex offenders pursuant to 13 V.S.A. § 5411d. Noncompliant high-risk sex offenders have heightened reporting requirements and supervision under the registry laws.

** **High-risk sex offender** – an offender designated as such by DOC for the purpose of identifying an offender as one who should be subject to increased public access to his or her status as a sex offender and related information, including Internet access. 13 V.S.A. § 5411b.
Noncompliant high-risk sex offender – an offender who commits a predicate offense, is not subject to indeterminate life sentences, is noncompliant with sex offender treatment as defined by department of corrections' directives, and is determined to be high-risk to reoffend. 13 V.S.A. § 5411d.
Sexually violent predator – an offender designated as such by a court. 13 V.S.A. § 5405.