

1 H.645

2 Introduced by Representative Grad of Moretown

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; cruelty to children

6 Statement of purpose: This bill proposes to make the criminal offense of  
7 cruelty to children under the age of 16 a strict liability crime, to more  
8 specifically define the acts that constitute the crime, and to increase the  
9 penalties imposed on a person who commits it. The bill also proposes to  
10 increase the statute of limitations for several crimes if the victim is a child.

11 An act relating to cruelty to children

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

13 Sec. 1. INTENT

14 It is the intent of the general assembly to make the crime of cruelty to  
15 children in violation of 13 V.S.A. § 1304 a strict liability offense. In order to  
16 accomplish that result, this act makes clear that in a prosecution for a violation  
17 of 13 V.S.A. § 1304, it is not necessary for the state to prove that the defendant  
18 acted intentionally, knowingly, willfully, recklessly, or negligently.

1       Sec. 2. 13 V.S.A. § 1304 is amended to read:

2       § 1304. CRUELTY TO CHILDREN UNDER ~~10 BY ONE OVER~~ 16

3       (a) A person ~~over the age of 16 year~~, having the custody, charge, or care of  
4       a child under ~~10 years of age who wilfully assaults, ill treats, neglects or~~  
5       ~~abandons or exposes such child, or causes or procures such child to be~~  
6       ~~assaulted, ill treated, neglected, abandoned or exposed, in a manner to cause~~  
7       ~~such child unnecessary suffering, or to endanger his or her health, shall be~~  
8       ~~imprisoned not more than two years or fined not more than \$500.00, or both~~  
9       16 commits the crime of cruelty to children under 16 if the person:

10       (1) causes or allows the child to suffer bodily injury or serious bodily  
11       injury as defined in section 1021 of this title;

12       (2) subjects the child to, or allows the child to be subjected to, sexual  
13       exploitation in violation of chapter 64 of this title or sexual assault in violation  
14       of chapter 72 of this title;

15       (3) permits the child to be, or fails to exercise reasonable diligence in  
16       preventing the child from being, in a location used to manufacture  
17       methamphetamine or another controlled substance, a location used for the  
18       illegal sale of controlled substances, or a location used to facilitate  
19       prostitution; or

1           (4) fails to exercise a reasonable degree of care and supervision over the  
2 child, which results in unnecessary suffering or endangerment to the child's  
3 physical and mental health.

4           (b) In a prosecution for a violation of this section, it shall not be necessary  
5 for the state to prove that the defendant acted intentionally, knowingly,  
6 willfully, recklessly, or negligently.

7           (c) A person who violates this section shall be imprisoned not more than  
8 five years or fined not more than \$1,000.00, or both.

9       Sec. 3. 13 V.S.A. § 4501 is amended to read:

10       § 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

11           (a) Prosecutions for manslaughter if the victim is under 18 years of age,  
12 aggravated sexual assault, aggravated sexual assault of a child, human  
13 trafficking, aggravated human trafficking, murder, arson causing death, and  
14 kidnapping may be commenced at any time after the commission of the  
15 offense.

16           (b) Prosecutions for manslaughter if the victim is 18 years of age or older,  
17 sexual assault, lewd and lascivious conduct, sexual exploitation of children,  
18 sexual abuse of a vulnerable adult, grand larceny, robbery, burglary,  
19 embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A.  
20 § 141(d), and felony tax offenses shall be commenced within six years after the  
21 commission of the offense, and not after.

1 (c) Prosecutions for sexual assault, lewd and lascivious conduct, sexual  
2 exploitation of a minor as defined in subsection 3258(b) of this title, ~~and~~ lewd  
3 or lascivious conduct with a child, assault, maiming, assault and robbery, and  
4 domestic assault, alleged to have been committed against a child under 18  
5 years of age shall be commenced within the earlier of the date the victim  
6 attains the age of 24 or 10 years from the date the offense is reported, and not  
7 after. For purposes of this subsection, an offense is reported when a report of  
8 the conduct constituting the offense is made to a law enforcement officer by  
9 the victim.

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11 Sec. 4. EFFECTIVE DATE

12 This act shall take effect on July 1, 2012.