



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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TESTIMONY OF DEBORAH Del PRETE SULLIVAN, LEGAL COUNSEL OFFICE OF CHIEF PUBLIC DEFENDER

Raised Senate Bill No. 154

*An Act Implementing the Recommendations of the Interagency Task Force on Trafficking
in Persons*

Judiciary Committee Public Hearing - February 24, 2006

The Office of Chief Public Defender participated on the *Interagency Task Force on Trafficking in Persons*. The work of the task force and its two subcommittees was conducted through numerous meetings at which this agency participated in the discussion. Persons arrested for trafficking may be the clients of the Division of Public Defender Services. In addition, persons arrested for prostitution may not only be clients of the Division of Public Defender Services but also victims of trafficking. As a result, it is important to assure that their constitutional rights are protected and that they receive assistance as necessary so that they do not become a victim of trafficking again.

A suggestion is that the language in Section 1 of the bill reflect the recommendations of the Task Force and provide a definition of the term "coerce". The inclusion of a definition of "coerce" would be in lieu of the current reference in the raised bill to the crime of coercion as articulated in C.G.S. §53a-192 at line 3. It would also eliminate the need to include the phrase "and other person is compelled or induced" in lines 3 and 4 as that language is within the definition included in the recommendations.

Page 2 of 2 Judiciary Committee Public Hearing - February 24, 2006
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Further, this change would be consistent with the language as proposed in Section 5 pertaining to the existence of an affirmative defense to a charge of prostitution. As the language in the raised bill provides, the inclusion of the "compelled or induced" language in Section 1 and not in Section 5 could possibly result in confusion. For consistency, the language pertaining to an affirmative defense for prostitution should be the same as Section 1 and include the "compelled or induced" phrase or the "compelled and induces" phrase should be deleted from Section 1.

This office agrees that the existence of an affirmative defense for persons charged with prostitution who are victims of trafficking is a step in the right direction. During the discussions pertaining to this issue, it was revealed that there is a need for the person charged with prostitution to cooperate with the government in the trafficking prosecution. However, in reality an affirmative defense can only be used if a person proceeds to trial, which can take a considerable amount of time. This office respectfully submits that if a person is arrested for prostitution and is a victim of trafficking, that the charges should be dismissed.