



General Assembly

January Session, 2009

Raised Bill No. 6671

LCO No. 4803

04803_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE FORFEITURE OF MONEY AND
PROPERTY RELATED TO CHILD SEXUAL EXPLOITATION AND
HUMAN TRAFFICKING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) The following
2 property shall be subject to forfeiture to the state pursuant to
3 subsection (b) of this section:

4 (1) All moneys used, or intended for use, in a violation of
5 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-
6 87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b or 53a-
7 196c of the general statutes;

8 (2) All property constituting the proceeds obtained, directly or
9 indirectly, from a violation of subdivision (3) of subsection (a) of
10 section 53-21 or section 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b,
11 53a-192a, 53a-196a, 53a-196b or 53a-196c of the general statutes;

12 (3) All property derived from the proceeds obtained, directly or
13 indirectly, from any sale or exchange for pecuniary gain from a
14 violation of subdivision (3) of subsection (a) of section 53-21 or section

15 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-
16 196b or 53a-196c of the general statutes;

17 (4) All property used or intended for use, in any manner or part, to
18 commit or facilitate the commission of a violation for pecuniary gain of
19 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-
20 87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b or 53a-
21 196c of the general statutes.

22 (b) Not later than ninety days after the seizure of moneys or
23 property subject to forfeiture pursuant to subsection (a) of this section,
24 in connection with a lawful criminal arrest or a lawful search, the Chief
25 State's Attorney or a deputy chief state's attorney, state's attorney or
26 assistant or deputy assistant state's attorney may petition the court in
27 the nature of a proceeding in rem to order forfeiture of such moneys or
28 property. Such proceeding shall be deemed a civil suit in equity, in
29 which the state shall have the burden of proving all material facts by
30 clear and convincing evidence. The court shall identify the owner of
31 such moneys or property and any other person as appears to have an
32 interest therein, and order the state to give notice to such owner and
33 any interested person, including any victim of the crime with respect
34 to which such moneys or property were seized, by certified or
35 registered mail, and shall promptly, but not less than two weeks after
36 notice, hold a hearing on the petition. No testimony offered or
37 evidence produced by such owner or interested person at such hearing
38 and no evidence discovered as a result of or otherwise derived from
39 such testimony or evidence, may be used against such owner or
40 interested person in any proceeding, except that no such owner or
41 interested person shall be immune from prosecution for perjury or
42 contempt committed while giving such testimony or producing such
43 evidence. At such hearing, the court shall hear evidence and make
44 findings of fact and enter conclusions of law and shall issue a final
45 order, from which the parties shall have such right of appeal as from a
46 decree in equity.

47 (c) No property shall be forfeited under this section to the extent of
48 the interest of an owner or lienholder by reason of any act or omission
49 committed by another person if such owner or lienholder did not
50 know and could not have reasonably known that such property was
51 being used or was intended to be used in, or was derived from,
52 criminal activity.

53 (d) Notwithstanding the provisions of subsection (a) of this section,
54 no moneys or property used or intended to be used by the owner
55 thereof to pay legitimate attorney's fees in connection with his or her
56 defense in a criminal prosecution shall be subject to forfeiture under
57 this section.

58 (e) Any property ordered forfeited pursuant to subsection (b) of this
59 section shall be sold at public auction conducted by the Commissioner
60 of Administrative Services or the commissioner's designee.

61 (f) The proceeds from any sale of property under subsection (e) of
62 this section and any moneys forfeited under this section shall be
63 applied: (1) To payment of the balance due on any lien preserved by
64 the court in the forfeiture proceedings; (2) to payment of any costs
65 incurred for the storage, maintenance, security and forfeiture of such
66 property; and (3) to payment of court costs. The balance, if any, shall
67 be deposited in the child sexual exploitation and human trafficking
68 assets forfeiture revolving account established under section 2 of this
69 act.

70 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) There is established and
71 created an account of the General Fund to be known as the "child
72 sexual exploitation and human trafficking assets forfeiture revolving
73 account" for the purpose of providing funds for sexual assault
74 treatment and education programs and for use in the detection,
75 investigation, apprehension and prosecution of persons for the
76 violation of the laws pertaining to the sexual assault, sexual
77 exploitation or sexual abuse of children, trafficking in persons and the
78 registration of sexual offenders.

79 (b) The account shall consist of the proceeds from the sale of
80 property and moneys received and deposited pursuant to section 1 of
81 this act.

82 (c) Moneys in such account shall be distributed as follows: (1)
83 Seventy per cent shall be allocated to the Department of Public Safety
84 and local police departments pursuant to subsection (d) of this section,
85 fifteen per cent of which shall be used for purposes of sexual assault
86 treatment and education programs and eighty-five per cent of which
87 shall be used for the detection, investigation, apprehension and
88 prosecution of persons for the violation of laws pertaining to the
89 sexual assault, sexual exploitation or sexual abuse of children,
90 trafficking in persons and the registration of sexual offenders and for
91 the purposes of police training on sexual assault investigation and rape
92 crisis intervention as required by section 7-294f of the general statutes,
93 as amended by this act, (2) twenty per cent shall be allocated to the
94 Department of Mental Health and Addiction Services for the
95 assessment, treatment and management of persons with problem
96 sexual behaviors and for educational programs concerning problem
97 sexual behaviors, and (3) ten per cent shall be allocated to the Division
98 of Criminal Justice for use in the prosecution of persons for the
99 violation of laws pertaining to the sexual assault, sexual exploitation or
100 sexual abuse of children, trafficking in persons and the registration of
101 sexual offenders.

102 (d) Expenditures from the account allocated to the Department of
103 Public Safety and local police departments shall be authorized by a
104 panel composed of: (1) The Commissioner of Public Safety or the
105 commissioner's designee, (2) the commander of the child abuse and
106 neglect unit within the Division of State Police within the Department
107 of Public Safety or the commander's designee, and (3) the president of
108 the Connecticut Police Chiefs Association or the president's designee.
109 The panel shall adopt procedures for the orderly authorization of
110 expenditures, subject to the approval of the Comptroller. Such
111 expenditures may be authorized only to the Department of Public

112 Safety and to organized local police departments within this state.
113 Such expenditures shall be held by the Department of Public Safety
114 and the various organized local police departments in accounts or
115 funds established for that purpose. In no event shall the expenditures
116 be placed in a state or town general fund and in no event shall the
117 expenditures be used for purposes other than those provided in
118 subdivision (1) of subsection (c) of this section. The panel shall ensure
119 the equitable allocation of expenditures to the Department of Public
120 Safety or any local police department which participated directly in
121 any of the acts which led to the seizure or forfeiture of the property so
122 as to reflect generally the contribution of said department or such local
123 police department in such acts. The panel shall authorize expenditures
124 from the account for the reimbursement of any organized local police
125 department which has used its own funds in the detection,
126 investigation, apprehension and prosecution of persons for the
127 violation of laws pertaining to the sexual assault, sexual exploitation or
128 sexual abuse of children, trafficking in persons and the registration of
129 sexual offenders and which makes application to the panel for
130 reimbursement.

131 (e) Moneys remaining in the child sexual exploitation and human
132 trafficking assets forfeiture revolving account at the end of a fiscal year
133 shall not revert to the General Fund but shall remain in the revolving
134 account to be used for the purposes set forth in this section.

135 Sec. 3. Section 7-294f of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective October 1, 2009*):

137 Each police basic training program conducted or administered by
138 the Division of State Police within the Department of Public Safety, the
139 Police Officer Standards and Training Council established under
140 section 7-294b or municipal police department in the state shall include
141 a course on sexual assault investigation and rape crisis intervention
142 and each review training program conducted by such agencies shall
143 make provision for such a course.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	7-294f

Statement of Purpose:

To authorize the forfeiture of money and property used in or obtained or derived from the commission of such crimes as promoting prostitution, trafficking in persons, enticing a minor to engage in prostitution or sexual activity, voyeurism, employing a minor in an obscene performance and child pornography.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]