



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Deborah Del Prete Sullivan, Legal Counsel/Executive Assistant Public Defender Office of Chief Public Defender

Select Committee on Children-February 23, 2010-Public Hearing

Raised Bill No. 153, An Act Providing a Safe Harbor for Exploited Children

The Office of Chief Public Defender supports passage of *Raised Bill No. 153, An Act Providing a Safe Harbor for Exploited Children*. Current law provides that any person charged with prostitution has an affirmative defense that he/she was "coerced" to commit the offense. However, in order for a person to assert the affirmative defense, the person must proceed to trial and assert it there.

This proposed legislation creates a "presumption" that a person was coerced to prostitute themselves if the person so charged was under the age of 17 years. Current law provides that a person under the age of 17 is a juvenile. Although the legislation eliminates the need to assert an affirmative defense at trial for persons under the age of 17, a juvenile can still be arrested. As a result, notwithstanding the presumption, this legislation will not change the fact that the juvenile will be arrested and possibly be detained.

Once arrested and proceeding in the juvenile justice system, the legislation does not indicate whether the prostitution charge against the juvenile will ultimately be dismissed if the presumption is not overcome.

This office would request that if such a presumption is legislated, that no juvenile be arrested. In addition, this office would also request that the presumption be extended to a person who is 17 years of age. Currently, a 17 year old is presumed to be a Youthful Offender and not an adult if charged with prostitution. This office requests consideration of these issues and clarification as the bill moves towards passage and offers its assistance in gaining passage of this legislation. Thank you for raising this bill for a public hearing.