



Connecticut Sexual Assault Crisis Services, Inc.

96 Pitkin Street • East Hartford, CT 06108 • Phone: 860-282-9881 • Fax: 860-291-9335 • www.connsacs.org

Testimony of Connecticut Sexual Assault Crisis Services regarding:

- HB 6643, AAC the Failure of a Witness to Report a Serious Crime (Concerns)**
- HB 6696, AAC Enhanced State Efforts to Prevent Human Trafficking (Support)**
- SB 1158, AAC Victims of Sexual Exploitation and Human Trafficking (Support)**
- HB 6702, AAC Domestic Violence and Sexual Assault (Section 5 - Support)**

Anna Doroghazi, Director of Public Policy and Communication
Judiciary Committee Public Hearing, Monday, April 13, 2013

Senator Coleman, Representative Fox, and members of the Judiciary Committee: my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs, which provide sexual assault counseling and victim advocacy to men, women, and children of all ages. During our last fiscal year, advocates throughout the state provided hospital and court accompaniment, support groups, individual counseling, 24/7 hotline support, and post-conviction services to nearly 7,000 victims and survivors of sexual violence. We would like to offer comments on four bills before the committee today.

HB 6643, AAC the Failure of a Witness to Report a Serious Crime (Concerns)

CONNSACS appreciates the intent of this legislation and believes that it is important for people to take action when they witness another person being seriously injured. We are concerned, however, that this bill could unintentionally harm victims of child sexual abuse and their families.

Child sexual abuse is a uniquely terrible crime. Perpetrators often gain access to their victims through an extensive, on-going grooming process that may involve both victims and victims' families. Abusers work hard to gain trust, make themselves valuable, and manipulate their victims. These abusers sometimes put themselves in a position where they are able to impact a family's finances, living situation, medical care, or employment. All adults have a duty to intervene when a child is being hurt, but it is important to understand that offenders sometimes take deliberate steps to make disclosure and intervention difficult. In these circumstances, it may be hard to ascertain what constitutes a "reasonably practicable" timeframe for reporting.

HB 6643 establishes an affirmative defense in cases in which reporting the crime would expose the defendant or another person to "substantial risk of physical injury," but it does not take into account the other forms of injury that a witness could experience. It also does not offer any flexibility in incest cases in which families must first come to terms with a relative-abuser and then assess the impact of this information. CONNSACS has heard from parents, for example, who waited to report their child's victimization because they wanted to prepare themselves and their families for the repercussions of disclosure. For parents who were themselves abused as

children, discovering that their child was similarly harmed can be an incredibly traumatic experience – this is especially true in cases of intergenerational incest. These survivors should not be punished if their own trauma prevents them from acting immediately.

Finally, for a family that is trying to cope with the sexual abuse with a child, charging one or both parents with failure to report a crime could cause further instability and more harm to the child. The bill could be improved by adding measures to consider whether charging parents or other caregivers with failure to report a crime is in the best interest of the child.

HB 6696, AAC Enhanced State Efforts to Prevent Human Trafficking (Support)

Human trafficking is a multi-billion dollar global industry that subjects victims to sexual contact and forced labor. CONNSACS supports all sections of HB 6696, which would make it easier to hold traffickers accountable for their actions, increase penalties for johns who buy sex from someone under the age of 18 or someone who is known to be a victim of human trafficking, vacate prostitution convictions involving victims of human trafficking, and establish a task force to study the implementation of initiatives designed to curb human trafficking.

We would like to comment specifically on Section 1 of the HB 6696, which would make Connecticut's statutory definition of trafficking in persons read more like the federal definition set forth in the Victims of Trafficking and Violence Protection Act of 2000. This federal definition applies to sexual acts and labor that are induced by or attained through the use of force, fraud, or coercion. Connecticut's current statutory definition of trafficking (Sec. 53a-192a) does not explicitly address the use of force or fraud. We also understand that current statutory language is problematic because an individual must *commit* coercion in order to be guilty of trafficking in persons – this language adds a barrier to prosecution and makes it difficult to prosecute trafficking under the existing statute.

Similarly, CONNSACS supports **SB 1158, AAC Victims of Sexual Exploitation and Human Trafficking**. This legislation would create financial disincentives for engaging in the commercial sexual exploitation of a minor, and it would help trafficking victims reach out for help by advertising resources in truck stops. The constant influx of potential clients and the easy access to escape routes make truck stops a popular location for sex trafficking. Making information about trafficking and victim resources available in these locations is helpful because it both provides a possible lifeline for victims and reminds other travelers to be on the lookout for possible criminal activity.

HB 6702, AAC Domestic Violence and Sexual Assault (Section 5 - Support)

Section 5 of HB 6702 would expand existing statute to allow survivors of sexual violence or the parents/guardians of child victims to terminate a rental agreement without penalty or liability for the remaining term of the rental agreement. For some survivors of sexual violence, victimization does not end with the assault itself. Advocates from CONNSACS' nine community-based sexual assault crisis services programs have worked with clients who feel unsafe in their homes after an assault because a perpetrator knows where they live and "checks up" on them by driving by or making their presence known. Parents have shared the terror of discovering that their child was abused by a neighbor and the feelings of panic that come from knowing the perpetrator is still right next door. Victims who live in the same building as their offender dread the daily

possibility of an encounter, and victims who are assaulted by unknown offenders may feel unsafe remaining on the property where their assault occurred.

Some sexual assault victims would greatly benefit from the ability to move to a new rental property, but many are financially unable to do so if they must lose money by breaking a lease. Survivors who face imminent harm following an assault should not have to choose between staying safe or paying their bills. HB 6702 would lessen the financial burden on victims who want to move while still protecting the rights of landlords.

In 2010, the Connecticut General Assembly granted tenants the ability to terminate rental agreements if they fear imminent harm due to family violence (PA 10-137). This provision includes sexual assault survivors as long as they are assaulted by a “family or household member” as defined in Section 46b-38a. According to a recent national survey conducted by the Centers for Disease Control and Prevention, approximately 42% of sexual assault survivors are assaulted by someone who would meet Connecticut’s statutory definition of “family or household member.” The other 58% of survivors, however, are currently unable to access this form of relief. HB 6702 acknowledges the possibility that any sexual assault survivor could live in fear of continued harm and might benefit from the ability to break a lease.

In recent years, several other states, including Texas, Michigan, Washington, California, Oregon, and Illinois, have passed laws that make sexual assault survivors eligible for penalty-free lease termination. Closer to home, “An Act Relative to Housing Rights for Victims of Domestic Violence, Rape, Sexual Assault, and Stalking” was signed into law in Massachusetts in January of this year. HB 6702 is a sensible expansion of existing statute, and it would greatly benefit survivors of sexual violence who remain at risk following an assault. CONNSACS strongly supports this legislation and respectfully requests its passage.

Thank you for your time and consideration of these issues.

Anna Doroghazi
anna@connsacs.org

