



General Assembly

**Substitute Bill No. 6696**

January Session, 2013



**AN ACT CONCERNING THE PROSECUTION AND PREVENTION OF  
TRAFFICKING IN PERSONS.**

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

1 Section 1. Section 53a-192a of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) A person is guilty of trafficking in persons when such person  
4 [commits] compels or induces another person to engage in conduct  
5 involving more than one occurrence of sexual contact with one or more  
6 third persons, or provide labor or services that such person has a legal  
7 right to refrain from providing, by means of (1) the use of force against  
8 such other person or a third person, or by the threat of use of force  
9 against such other person or a third person, (2) fraud, or (3) coercion,  
10 as provided in section 53a-192. [and the other person is compelled or  
11 induced to (1) engage in conduct that constitutes a violation of section  
12 53a-82, or (2) provide labor or services.] For the purposes of this  
13 subsection, "sexual contact" has the meaning provided in section 53a-  
14 65.

15 (b) Trafficking in persons is a class B felony.

16 Sec. 2. Section 53a-82 of the general statutes is repealed and the  
17 following is substituted in lieu thereof (*Effective October 1, 2013*):

18 (a) A person sixteen years of age or older is guilty of prostitution  
19 when such person engages or agrees or offers to engage in sexual  
20 conduct with another person in return for a fee.

21 (b) In any prosecution for an offense under this section, it shall be an  
22 affirmative defense that the actor was [coerced into committing such  
23 offense] a victim of conduct by another person [in] that constitutes a  
24 violation of section 53a-192a, as amended by this act.

25 (c) In any prosecution of a person sixteen or seventeen years of age  
26 for an offense under this section, there shall be a presumption that the  
27 actor was [coerced into committing such offense] a victim of conduct  
28 by another person [in] that constitutes a violation of section 53a-192a,  
29 as amended by this act.

30 (d) Nothing in this section shall limit a person's right to assert the  
31 defense of duress pursuant to section 53a-14 in any prosecution for an  
32 offense under this section.

33 [(d)] (e) Prostitution is a class A misdemeanor.

34 Sec. 3. Section 53a-83 of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective October 1, 2013*):

36 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant  
37 to a prior understanding, he pays a fee to another person as  
38 compensation for such person or a third person having engaged in  
39 sexual conduct with him; or (2) he pays or agrees to pay a fee to  
40 another person pursuant to an understanding that in return therefor  
41 such person or a third person will engage in sexual conduct with him;  
42 or (3) he solicits or requests another person to engage in sexual  
43 conduct with him in return for a fee.

44 (b) [Patronizing] Except as provided in subsection (c) of this section,  
45 patronizing a prostitute is a class A misdemeanor.

46 (c) Patronizing a prostitute is a class B felony if such person knew or

47 reasonably should have known at the time of the offense that such  
48 other person (1) had not attained eighteen years of age, or (2) was the  
49 victim of conduct of another person that would constitute trafficking in  
50 persons in violation of section 53a-192a, as amended by this act.

51 Sec. 4. (NEW) (*Effective October 1, 2013*) At any time after a judgment  
52 of conviction is entered pursuant to section 53a-82 of the general  
53 statutes, as amended by this act, the defendant may apply to the  
54 Superior Court to vacate the judgment of conviction on the basis that  
55 the defendant was a victim of conduct of another person that  
56 constitutes trafficking in persons under section 53a-192a of the general  
57 statutes, as amended by this act, or under 18 USC 1591, at the time of  
58 the offense. Prior to rendering a decision on a defendant's application  
59 to vacate the judgment of conviction, the court shall afford the  
60 prosecutor a reasonable opportunity to investigate the defendant's  
61 claim and an opportunity to be heard to contest the defendant's  
62 application. If the court finds that the defendant was a victim of  
63 trafficking in persons under either of said sections at the time of the  
64 offense, the court shall vacate the judgment of conviction and dismiss  
65 any charges related to the offense.

66 Sec. 5. (*Effective from passage*) (a) There is established a task force to  
67 study data relating to trafficking in persons offenses in this state. The  
68 task force shall examine the provisions of the general statutes related  
69 to trafficking in persons and identify deficiencies, if any, in the general  
70 statutes. If the task force identifies deficiencies in the provisions of the  
71 general statutes related to trafficking in persons, the task force shall  
72 recommend amendments to the general statutes related to trafficking  
73 in persons to enhance statutory protections for victims of trafficking in  
74 persons.

75 (b) The task force shall consist of the following members:

76 (1) The speaker of the House of Representatives, or a designee;

77 (2) The president pro tempore of the Senate, or a designee;

78 (3) The minority leader of the House of Representatives, or a  
79 designee;

80 (4) The minority leader of the Senate, or a designee;

81 (5) One member appointed by the speaker of the House of  
82 Representatives who shall be a municipal police officer;

83 (6) The Commissioner of Emergency Services and Public Protection,  
84 or the commissioner's designee;

85 (7) The Commissioner of Children and Families, or the  
86 commissioner's designee;

87 (8) The Chief State's Attorney, or the Chief State's Attorney's  
88 designee;

89 (9) The Victim Advocate; and

90 (10) Two persons appointed by the Governor with expertise in  
91 issues relating to trafficking in persons in this state.

92 (c) All appointments to the task force shall be made not later than  
93 thirty days after the effective date of this section. Any vacancy shall be  
94 filled by the appointing authority.

95 (d) The task force shall select a chairperson from among its  
96 membership. The chairperson shall schedule the first meeting of the  
97 task force, which shall be held not later than sixty days after the  
98 effective date of this section.

99 (e) The administrative staff of the joint standing committee of the  
100 General Assembly having cognizance of matters relating to the  
101 judiciary shall serve as administrative staff of the task force.

102 (f) Not later than January 1, 2014, the task force shall submit a report  
103 on its findings and recommendations to the joint standing committee  
104 of the General Assembly having cognizance of matters relating to the

105 judiciary, in accordance with the provisions of section 11-4a of the  
106 general statutes. The task force shall terminate on the date it submits  
107 such report or January 1, 2014, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	53a-192a
Sec. 2	<i>October 1, 2013</i>	53a-82
Sec. 3	<i>October 1, 2013</i>	53a-83
Sec. 4	<i>October 1, 2013</i>	New section
Sec. 5	<i>from passage</i>	New section

**JUD**      *Joint Favorable Subst.*