



General Assembly

January Session, 2013

***Raised Bill No. 1158***

LCO No. 5238



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING VICTIMS OF SEXUAL EXPLOITATION AND HUMAN TRAFFICKING.***

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

1 Section 1. Section 54-36p of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) The following property shall be subject to forfeiture to the state  
4 pursuant to subsection (b) of this section:

5 (1) All moneys used, or intended for use, in a violation of  
6 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-  
7 87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, [or] 53a-  
8 196c or 53a-196i;

9 (2) All property constituting the proceeds obtained, directly or  
10 indirectly, from a violation of subdivision (3) of subsection (a) of  
11 section 53-21 or section 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b,  
12 53a-192a, 53a-196a, 53a-196b, [or] 53a-196c or 53a-196i;

13 (3) All property derived from the proceeds obtained, directly or

14 indirectly, from any sale or exchange for pecuniary gain from a  
15 violation of subdivision (3) of subsection (a) of section 53-21 or section  
16 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-  
17 196b, [or] 53a-196c or 53a-196i;

18 (4) All property used or intended for use, in any manner or part, to  
19 commit or facilitate the commission of a violation for pecuniary gain of  
20 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-  
21 87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, [or] 53a-  
22 196c or 53a-196i.

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

47 decree in equity.

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

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

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

62 (f) The proceeds from any sale of property under subsection (e) of  
63 this section and any moneys forfeited under this section shall be  
64 applied: (1) To payment of the balance due on any lien preserved by  
65 the court in the forfeiture proceedings; (2) to payment of any costs  
66 incurred for the storage, maintenance, security and forfeiture of any  
67 such property; and (3) to payment of court costs. The balance, if any,  
68 shall be deposited in the [General Fund] Criminal Injuries  
69 Compensation Fund established in section 54-215.

70 Sec. 2. Section 54-222 of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective October 1, 2013*):

72 (a) The Office of the Chief Court Administrator shall develop a  
73 concise, bilingual card or brochure concerning information to victims  
74 of crime concerning their rights as victims and any services available to  
75 them. The Office of Victim Services shall distribute such cards or  
76 brochures to municipalities and the state police who shall distribute

77 such cards or brochures to crime victims.

78 (b) The Office of the Chief Court Administrator shall develop a  
79 concise, bilingual notice concerning services available to victims of  
80 human trafficking. Such notice shall indicate that any person who is  
81 forced to engage in any activity and who cannot leave may contact a  
82 state or federal anti-trafficking hotline, and shall indicate the toll-free  
83 telephone numbers for such hotlines. The office shall make copies of  
84 such notice available to persons who are required to post such notice  
85 pursuant to section 3 of this act.

86 Sec. 3. (NEW) (*Effective October 1, 2013*) On and after the date a  
87 notice is developed and made available pursuant to subsection (b) of  
88 section 54-222 of the general statutes, as amended by this act, each  
89 truck stop, and each person who holds an on-premises consumption  
90 permit for the retail sale of alcoholic liquor, except a caterer, railroad,  
91 boat, airline, military, charitable organization, special club, temporary  
92 liquor or temporary beer permit, shall post the notice in a conspicuous  
93 location within the truck stop or premises. For the purposes of this  
94 section, "truck stop" means a privately owned and operated facility  
95 where food, fuel, lawful overnight truck parking and shower and  
96 laundry facilities are offered.

97 Sec. 4. Section 54-234 of the general statutes is repealed and the  
98 following is substituted in lieu thereof (*Effective October 1, 2013*):

99 (a) The Office of Victim Services within the Judicial Department  
100 shall, within available appropriations, contract with nongovernmental  
101 organizations to develop a coordinated response system to assist  
102 victims of the offense of trafficking in persons.

103 (b) Such contracts shall be entered into for the following purposes,  
104 including, but not limited to:

105 (1) Developing a uniform curriculum to address rights and services  
106 for such victims;

107 (2) Developing information and materials on available resources  
108 and services for such victims;

109 (3) Actively seeking [out] quality training and other educational  
110 opportunities regarding the identification and assistance of such  
111 victims that take into consideration such victims' cultural context and  
112 needs; and

113 (4) Promoting and disseminating information on training and other  
114 educational opportunities concerning the assistance of such victims to  
115 emergency medical services, faith-based communities, sexual assault  
116 service providers, domestic violence service providers and state and  
117 local governmental agencies.

118 Sec. 5. (*Effective from passage*) The Office of Victim Services shall  
119 conduct an analysis of the compensation and restitution services  
120 provided to victims of sexual exploitation and human trafficking  
121 under sections 54-201 to 54-235, inclusive, of the general statutes, and  
122 shall determine whether amendments to said sections may be enacted  
123 to enhance such compensation and services in order to address the  
124 needs of such victims. Not later than January 15, 2014, the office shall  
125 submit a report, in accordance with section 11-4a of the general  
126 statutes, on its analysis and recommended amendments to the general  
127 statutes to the joint standing committee of the General Assembly  
128 having cognizance of matters relating to the judiciary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	54-36p
Sec. 2	<i>October 1, 2013</i>	54-222
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>October 1, 2013</i>	54-234
Sec. 5	<i>from passage</i>	New section

**Statement of Purpose:**

To: (1) Amend existing provisions that provide for the inventory, seizure and forfeiture of criminal assets to include assets derived from commercial sexual exploitation of a minor; (2) require the Office of the Chief Court Administrator to develop a bilingual notice concerning resources for victims of human trafficking; (3) require certain liquor permit premises and truck stops to display such notice in a conspicuous location; and (4) require the Office of Victim Services to analyze the compensation and services provided to victims of human trafficking and make recommendations regarding statutory changes that may be enacted to address the needs of such victims.

*[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.]*