
OLR Bill Analysis

sSB 1158

AN ACT CONCERNING VICTIMS OF SEXUAL EXPLOITATION AND HUMAN TRAFFICKING.

SUMMARY:

This bill:

1. adds funds and property related to the crime of commercial sexual exploitation of a minor to the types of property subject to forfeiture as tainted funds and property related to sexual exploitation and human trafficking;
2. requires proceeds from an auction of forfeited property that remain after paying liens and costs be deposited in the Criminal Injuries Compensation Fund, rather than the General Fund;
3. requires the Office of the Chief Court Administrator to develop a concise, bilingual (the bill does not specify which languages) notice about services for human trafficking victims and requires truck stops and certain establishments serving alcohol to post it in a conspicuous location where sales occur; and
4. requires the Office of Victim Services (OVS) to (a) analyze the compensation and restitution services (such as medical, psychiatric, psychological, social, and social rehabilitation services) provided to victims of sexual exploitation and human trafficking and recommend statutory changes to enhance these compensation and services and (b) report its findings to the Judiciary Committee by January 15, 2014.

EFFECTIVE DATE: October 1, 2013 except the OVS study requirement is effective upon passage.

FORFEITURE OF PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING

The law provides a forfeiture procedure for property seized as a result of a lawful arrest or search related to several sexual exploitation and human trafficking crimes.

The bill adds funds and property related to the crime of commercial sexual exploitation of a minor to the types of property subject to forfeiture under this procedure. Under existing law, funds and property related to the following crimes are subject to forfeiture: (1) the portion of the risk of injury to a minor statute involving sale of a child under age 16; (2) 1st or 2nd degree promoting prostitution; (3) enticing a minor using an interactive computer; (4) voyeurism, disseminating voyeuristic material, and employing or promoting a minor in an obscene performance; (5) human trafficking; and (6) importing child pornography.

With some exceptions, the law subjects funds and property related to these crimes to forfeiture if they are (1) money used or intended for use in one of these crimes; (2) property constituting the proceeds obtained, directly or indirectly, from one of these crimes; (3) property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from those criminal violations; and (4) property used or intended for use to commit or facilitate commission of one of these crimes for pecuniary gain.

Proceeds from Auction

If the court orders forfeiture of property related to sexual exploitation and human trafficking, the law requires the Department of Administrative Services to sell it at a public auction. Sale proceeds pay (1) the balance due on any lien the court determines should be paid; (2) property storage, maintenance, security, and forfeiture costs; and (3) court costs. The bill requires depositing any remaining proceeds in the Criminal Injuries Compensation Fund, rather than the General Fund. By law, this fund provides compensation and restitution services to crime victims.

NOTICE OF SERVICES

The bill requires the Office of the Chief Court Administrator to

develop a concise, bilingual notice about services for human trafficking victims. The notice must state the toll-free state or federal anti-trafficking hotline that someone can use if he or she is forced to engage in an activity and cannot leave.

The bill requires the office to make the notice available to truck stops and certain establishments serving alcohol, which must, when the notice is available to them, post it in plain view in a conspicuous location where sales occur. The bill applies to truck stops defined as privately owned and operated facilities where food, fuel, lawful overnight truck parking, and shower and laundry facilities are offered. It also applies to anyone who holds an on-premises consumption permit for the retail sale of alcohol except holders of a:

1. caterer, railroad, boat, airline, military, charitable organization, or special club permit;
2. temporary liquor or temporary beer permit;
3. restaurant permit, restaurant permit for beer, restaurant permit for wine and beer, or café permit;
4. farm winery or beer manufacturer permit, beer and brew pub manufacturer permit, or other manufacturer permit.

BACKGROUND

Related Bills

sSB 871, reported favorably by the Judiciary Committee, expands the types of property that can be seized and forfeited related to sexual exploitation and human trafficking crimes by eliminating a requirement that certain conduct be committed for pecuniary gain.

HB 5666, reported favorably by the Judiciary Committee, adds funds and property related to the crimes of prostitution and 3rd degree promoting prostitution to the sources of property subject to forfeiture as tainted funds and property related to sexual exploitation and human trafficking.

SB 834, reported favorably by the Public Safety and Security Committee, eliminates the mandate for the Trafficking in Persons Council to meet at least three times per year, thereby allowing the council to meet at will, including once or twice per year.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)