



# House of Representatives

**File No. 882**

General Assembly

January Session, 2013

**(Reprint of File No. 720)**

House Bill No. 5666  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 31, 2013

**AN ACT CONCERNING SEXUAL EXPLOITATION AND TRAFFICKING  
IN PERSONS.**

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 Section 54-36p of the general statutes is repealed and the  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-82, 53a-  
7 86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-  
8 196b, [or] 53a-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-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-  
12 189a, 53a-189b, 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-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a,  
17 53a-196a, 53a-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-82, 53a-  
21 86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-  
22 196b, [or] 53a-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 53a-192a of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective October 1, 2013*):

72 (a) A person is guilty of trafficking in persons when such person  
73 [commits] compels or induces another person to engage in conduct  
74 involving more than one occurrence of sexual contact with one or more  
75 third persons, or provide labor or services that such person has a legal  
76 right to refrain from providing, by means of (1) the use of force against  
77 such other person or a third person, or by the threat of use of force

78 against such other person or a third person, (2) fraud, or (3) coercion,  
79 as provided in section 53a-192, [and the other person is compelled or  
80 induced to (1) engage in conduct that constitutes a violation of section  
81 53a-82, or (2) provide labor or services.] For the purposes of this  
82 subsection, "sexual contact" means any contact with the intimate parts  
83 of another person.

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

85 Sec. 3. Section 53a-82 of the general statutes is repealed and the  
86 following is substituted in lieu thereof (*Effective October 1, 2013*):

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

90 (b) In any prosecution for an offense under this section, it shall be an  
91 affirmative defense that the actor was [coerced into committing such  
92 offense] a victim of conduct by another person [in] that constitutes (1) a  
93 violation of section 53a-192a, as amended by this act, or (2) a criminal  
94 violation of 18 USC Chapter 77, as amended from time to time.

95 (c) In any prosecution of a person sixteen or seventeen years of age  
96 for an offense under this section, there shall be a presumption that the  
97 actor was [coerced into committing such offense] a victim of conduct  
98 by another person [in] that constitutes (1) a violation of section 53a-  
99 192a, as amended by this act, or (2) a criminal violation of 18 USC  
100 Chapter 77, as amended from time to time.

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

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

105 Sec. 4. Section 53a-83 of the general statutes is repealed and the  
106 following is substituted in lieu thereof (*Effective October 1, 2013*):

107 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant  
108 to a prior understanding, he pays a fee to another person as  
109 compensation for such person or a third person having engaged in  
110 sexual conduct with him; or (2) he pays or agrees to pay a fee to  
111 another person pursuant to an understanding that in return therefor  
112 such person or a third person will engage in sexual conduct with him;  
113 or (3) he solicits or requests another person to engage in sexual  
114 conduct with him in return for a fee.

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

117 (c) Patronizing a prostitute is a class C felony if such person knew or  
118 reasonably should have known at the time of the offense that such  
119 other person (1) had not attained eighteen years of age, or (2) was the  
120 victim of conduct of another person that constitutes (A) trafficking in  
121 persons in violation of section 53a-192a, as amended by this act, or (B)  
122 a criminal violation of 18 USC Chapter 77, as amended from time to  
123 time.

124 Sec. 5. (NEW) (*Effective October 1, 2013*) At any time after a judgment  
125 of conviction is entered pursuant to section 53a-82 of the general  
126 statutes, as amended by this act, the defendant may apply to the  
127 Superior Court to vacate the judgment of conviction on the basis that,  
128 at the time of the offense, the defendant was a victim of conduct of  
129 another person that constitutes (1) trafficking in persons under section  
130 53a-192a of the general statutes, as amended by this act, or (2) a  
131 criminal violation of 18 USC Chapter 77, as amended from time to  
132 time. Prior to rendering a decision on a defendant's application to  
133 vacate the judgment of conviction, the court shall afford the prosecutor  
134 a reasonable opportunity to investigate the defendant's claim and an  
135 opportunity to be heard to contest the defendant's application. If the  
136 defendant proves that he or she was a victim of trafficking in persons  
137 under said section or a victim of a criminal violation of said chapter at  
138 the time of the offense, the court shall vacate the judgment of  
139 conviction and dismiss any charges related to the offense. The vacating

140 of a judgment of conviction and dismissal of charges pursuant to this  
141 section shall not constitute grounds for an award of compensation for  
142 wrongful arrest, prosecution, conviction or incarceration pursuant to  
143 section 54-102uu of the general statutes or any other provision of the  
144 general statutes.

145 Sec. 6. Section 54-222 of the general statutes is repealed and the  
146 following is substituted in lieu thereof (*Effective October 1, 2013*):

147 (a) The Office of the Chief Court Administrator shall develop a  
148 concise [, bilingual] card or brochure concerning information to victims  
149 of crime concerning their rights as victims and any services available to  
150 them. The Office of Victim Services shall distribute such cards or  
151 brochures to municipalities and the state police who shall distribute  
152 such cards or brochures to crime victims.

153 (b) The Office of the Chief Court Administrator shall develop a  
154 concise notice concerning services available to victims of human  
155 trafficking. Such notice shall indicate that any person who is forced to  
156 engage in any activity and who cannot leave may contact a state or  
157 federal anti-trafficking hotline, and shall indicate the toll-free  
158 telephone numbers for such hotlines. The office shall make copies of  
159 such notice available to persons who are required to post such notice  
160 pursuant to section 7 of this act.

161 Sec. 7. (NEW) (*Effective October 1, 2013*) (a) On and after the date a  
162 notice is developed and made available pursuant to subsection (b) of  
163 section 54-222 of the general statutes, as amended by this act, each  
164 truck stop and each person who holds an on-premises consumption  
165 permit for the retail sale of alcoholic liquor pursuant to title 30 of the  
166 general statutes shall post the notice in plain view in a conspicuous  
167 location where sales are to be carried on. For the purposes of this  
168 section, "truck stop" means a privately-owned and operated facility  
169 where food, fuel, lawful overnight truck parking and shower and  
170 laundry facilities are offered.

171 (b) The provisions of subsection (a) of this section shall not apply to

172 any person who holds an on-premises consumption permit for the  
173 retail sale of alcoholic liquor pursuant to title 30 of the general statutes  
174 that consists of only one or more of the following: (1) A caterer,  
175 railroad, boat, airline, military, charitable organization, special club,  
176 temporary liquor or temporary beer permit, (2) a restaurant permit,  
177 restaurant permit for beer, restaurant permit for wine and beer or cafe  
178 permit, or (3) a manufacturer permit for a farm winery, a manufacturer  
179 permit for beer, manufacturer permits for beer and brew pubs, or any  
180 other manufacturer permit issued under title 30 of the general statutes.

181 Sec. 8. (*Effective from passage*) The Office of Victim Services shall  
182 conduct an analysis of the compensation and restitution services  
183 provided to victims of sexual exploitation and human trafficking  
184 under sections 54-201 to 54-235, inclusive, of the general statutes, and  
185 shall determine whether legislation should be enacted to enhance such  
186 compensation and services in order to address the needs of such  
187 victims. Not later than January 15, 2014, the office shall submit a  
188 report, in accordance with section 11-4a of the general statutes, on its  
189 analysis and recommended amendments to the general statutes to the  
190 joint standing committee of the General Assembly having cognizance  
191 of matters relating to the judiciary.

192 Sec. 9. Subsection (b) of section 46a-170 of the general statutes is  
193 repealed and the following is substituted in lieu thereof (*Effective from*  
194 *passage*):

195 (b) [The] (1) Prior to the effective date of this section, the council  
196 shall consist of the following members: The Attorney General, the  
197 Chief State's Attorney, the Chief Public Defender, the Commissioner of  
198 Emergency Services and Public Protection, the Labor Commissioner,  
199 the Commissioner of Social Services, the Commissioner of Public  
200 Health, the Commissioner of Mental Health and Addiction Services,  
201 the Commissioner of Children and Families, the Child Advocate, the  
202 Victim Advocate, the chairperson of the Commission on Children, the  
203 chairperson of the Permanent Commission on the Status of Women,  
204 the chairperson of the Latino and Puerto Rican Affairs Commission,

205 the chairperson of the African-American Affairs Commission, three  
206 representatives of the Judicial Branch appointed by the Chief Court  
207 Administrator, one of whom shall represent the Office of Victim  
208 Services and one of whom shall represent the Court Support Services  
209 Division, and a municipal police chief appointed by the Connecticut  
210 Police Chiefs Association, or a representative of any such member who  
211 has been designated in writing by such member to serve as such  
212 member's representative, and seven public members appointed as  
213 follows: The Governor shall appoint one member who shall represent  
214 Connecticut Sexual Assault Crisis Services, Inc., the president pro  
215 tempore of the Senate shall appoint one member who shall represent  
216 an organization that provides civil legal services to low-income  
217 individuals, the speaker of the House of Representatives shall appoint  
218 one member who shall represent the Connecticut Coalition Against  
219 Domestic Violence, the majority leader of the Senate shall appoint one  
220 member who shall represent an organization that deals with  
221 behavioral health needs of women and children, the majority leader of  
222 the House of Representatives shall appoint one member who shall  
223 represent an organization that advocates on social justice and human  
224 rights issues, the minority leader of the Senate shall appoint one  
225 member who shall represent the Connecticut Immigrant and Refugee  
226 Coalition, and the minority leader of the House of Representatives  
227 shall appoint one member who shall represent the Asian-American  
228 community.

229 (2) On and after the effective date of this section, the council shall  
230 consist of the following members: (A) The Chief State's Attorney, or a  
231 designee; (B) the Chief Public Defender, or a designee; (C) the  
232 Commissioner of Emergency Services and Public Protection, or the  
233 commissioner's designee; (D) the Labor Commissioner, or the  
234 commissioner's designee; (E) the Commissioner of Social Services, or  
235 the commissioner's designee; (F) the Commissioner of Public Health,  
236 or the commissioner's designee; (G) the Commissioner of Mental  
237 Health and Addiction Services, or the commissioner's designee; (H) the  
238 Commissioner of Children and Families, or the commissioner's

239 designee; (I) the Child Advocate, or the Child Advocate's designee; (J)  
240 the Victim Advocate, or the Victim Advocate's designee; (K) the  
241 chairperson of the Permanent Commission on the Status of Women, or  
242 the chairperson's designee; (L) one representative of the Office of  
243 Victim Services of the Judicial Branch appointed by the Chief Court  
244 Administrator; (M) a municipal police chief appointed by the  
245 Connecticut Police Chiefs Association, or a designee; and (N) seven  
246 public members appointed as follows: The Governor shall appoint one  
247 member who shall represent Connecticut Sexual Assault Crisis  
248 Services, Inc., the president pro tempore of the Senate shall appoint  
249 one member who shall represent an organization that provides civil  
250 legal services to low-income individuals, the speaker of the House of  
251 Representatives shall appoint one member who shall represent the  
252 Connecticut Coalition Against Domestic Violence, the majority leader  
253 of the Senate shall appoint one member who shall represent an  
254 organization that deals with behavioral health needs of women and  
255 children, the majority leader of the House of Representatives shall  
256 appoint one member who shall represent an organization that  
257 advocates on social justice and human rights issues, the minority  
258 leader of the Senate shall appoint one member who shall represent the  
259 Connecticut Immigrant and Refugee Coalition, and the minority leader  
260 of the House of Representatives shall appoint one member who shall  
261 represent the Motor Transport Association of Connecticut, Inc.

262       Sec. 10. (NEW) (*Effective from passage*) The Trafficking in Persons  
263 Council established in section 46a-170 of the general statutes, as  
264 amended by this act, shall meet not later than September 1, 2013, to  
265 study data relating to trafficking in persons offenses in this state. The  
266 council shall examine the provisions of the general statutes related to  
267 trafficking in persons and identify deficiencies, if any, in the general  
268 statutes related to trafficking in persons. If the council identifies  
269 deficiencies in the provisions of the general statutes related to  
270 trafficking in persons, the council shall develop proposed legislation to  
271 address such deficiencies. Not later than January 1, 2014, the council  
272 shall submit a report on its findings and any recommendations for

273 legislation to the joint standing committee of the General Assembly  
274 having cognizance of matters relating to the judiciary in accordance  
275 with the provisions of section 11-4a of the general statutes.

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>	53a-192a
Sec. 3	<i>October 1, 2013</i>	53a-82
Sec. 4	<i>October 1, 2013</i>	53a-83
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	54-222
Sec. 7	<i>October 1, 2013</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	46a-170(b)
Sec. 10	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Gain	See Below	See Below
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Cost	See Below	See Below
Judicial Dept.	GF - Cost	Less than \$5,000	Less than \$5,000
Criminal Justice Agencies	CICF - Potential Revenue Gain	\$100-\$400/case	\$100-\$400/case

**Municipal Impact:** None

**Explanation**

**Section 1** of the bill adds funds and property seized for specific prostitution related crimes and commercial sexual exploitation of a minor to the types of property subject to forfeiture. The value of the property and funds seized vary greatly by each case but it is anticipated that each case would result in a total seizure of \$100-\$400 per case. In FY 12, there were a total of 317 offenses of these crimes and 148 cases received a plea bargain. This bill would allow some (or all) of the funds and property seized in conjunction with these violations, and other specified violations, to be subject to forfeiture and deposited into the Criminal Injuries Compensation Fund instead of the General Fund.

**Section 2** of the bill broadens the crime of trafficking in persons. On average, there are few offenses of trafficking in persons.

To the extent that offenders are prosecuted for expanded offenses

under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

**Section 3** makes changes that do not result in a fiscal impact.

**Section 4** of the bill increases the penalty for patronizing a prostitute from a class A misdemeanor to a class C felony under specific circumstances. There are approximately 150 offenses annually of patronizing a prostitute that lead to criminal penalties.

To the extent that offenders are prosecuted for expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

**Section 5** makes changes that do not result in a fiscal impact.

**Section 6** requires the Judicial Department to develop and provide copies of a bilingual notice about services for human trafficking victims. This is estimated to result in a cost to the Judicial Department of less than \$5,000 associated with the printing of this notice.

**Section 7** makes changes that do not result in a fiscal impact.

**Section 8** requires the Office of Victim Service (OVS) to conduct an analysis of the compensation and restitution services provided to victims of sexual exploitation and human trafficking and to report on the findings by January 15, 2014. It is anticipated that OVS will be able to do so without additional resources.

**Sections 9 and 10** make changes to the membership of the Trafficking in Persons Council and specifies the task of the council and does not result in a fiscal impact.

House "A" strikes the language of the underlying bill and replaces it with language that results in the fiscal impact described above.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****HB 5666 (as amended by House "A")\******AN ACT CONCERNING THE FORFEITURE OF MONEYS AND PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING.*****SUMMARY:**

This bill:

1. adds funds and property related to prostitution, 3<sup>rd</sup> degree promoting prostitution, and 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 to be deposited in the Criminal Injuries Compensation Fund, rather than the General Fund;
3. expands the crime of trafficking in persons;
4. increases the penalty for patronizing a prostitute from a class A misdemeanor (punishable by up to one year in prison, a fine of up to \$2,000, or both) to a class C felony (punishable by up to 10 years in prison, a fine of up to \$10,000, or both) when the actor knew or reasonably should have known at the time of the offense that the prostitute was (a) under age 18 or (b) the victim of conduct amounting to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law (§ 4);
5. allows anyone convicted of prostitution to apply to Superior

Court to vacate the conviction because he or she was a victim of conduct amounting to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law;

6. makes changes to defenses to a prostitution charge;
7. requires the Office of the Chief Court Administrator to develop a concise 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;
8. 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 legislation to enhance compensation and services and (b) report its findings to the Judiciary Committee by January 15, 2014 (§ 8);
9. alters the Trafficking in Persons Council's membership and requires it to report on deficiencies in the statutes relating to trafficking and propose legislation to address them; and
10. eliminates a requirement that the notice developed by the chief court administrator regarding victims' rights and available services be bilingual.

\*House Amendment "A" replaces the original file, adding all of the provisions except those on forfeiture of property related to prostitution and 3<sup>rd</sup> degree promoting prostitution.

EFFECTIVE DATE: October 1, 2013, except the provisions on the OVS report and Trafficking in Persons Council are effective upon passage.

## **§ 1 — FORFEITURE OF PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING**

The bill adds funds and property related to prostitution, 3<sup>rd</sup> degree promoting prostitution, and 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. Under existing law, the crimes that trigger these procedures are:

1. the portion of the risk of injury to a minor statute involving sale of a child younger than age 16;
2. 1<sup>st</sup> or 2<sup>nd</sup> 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.

By law, funds and property related to these crimes are subject 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 these 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 that any remaining proceeds be deposited in the Criminal Injuries Compensation Fund, rather than the General Fund. By law, this fund provides compensation and restitution to certain crime victims.

## **§ 2 — TRAFFICKING IN PERSONS**

Under current law, a person commits the crime of trafficking in persons when he or she coerces another person to compel or induce that person to engage in prostitution or provide labor or services.

The bill expands this crime in a number of ways. Under the bill, a person commits trafficking in persons when he or she:

1. compels or induces another person to (a) engage in more than one occurrence of sexual contact (contact with another person's intimate parts) with at least one third person or (b) provide labor or services the person has a legal right to refrain from providing and
2. does so through coercion, fraud, or use or threatened use of force against the person or a third person.

By law, trafficking in persons is a class B felony.

## **§§ 3 & 5 — PROSTITUTION**

### **§ 5 — *Vacating Conviction***

The bill allows anyone convicted of prostitution to apply to Superior Court to vacate the conviction because he or she was a victim of conduct, at the time of the offense, that amounts to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law. The court must give the prosecutor a reasonable opportunity to investigate the claim and an opportunity to contest the application. If the defendant proves he or she was a victim of the conduct, the court must vacate the judgment and dismiss any charges related to the offense. The bill provides that

this cannot provide grounds for a compensation award based on wrongful arrest, prosecution, conviction, or incarceration under the statutes.

### **§ 3 — Defenses**

The bill (1) gives a person a defense to a prostitution charge if he or she was a victim of conduct that amounts to a federal crime of involuntary servitude, slavery, or trafficking in persons and (2) presumes that anyone under age 18 is a victim of this conduct. The law already provides a person with a defense if he or she was a victim of conduct that amounts to trafficking in persons under state law and someone under age 18 charged with prostitution is presumed to be a victim of this conduct.

The bill also specifies that someone can assert the defense of duress to a charge of prostitution. By law, duress is a defense if (1) a person engaged in conduct because he or she was coerced by the use, or threatened imminent use, of physical force against that person or another and (2) a person of reasonable firmness in the situation would not be able to resist. The defense of duress is not available to people who intentionally or recklessly place themselves in a situation where it is probable that they will be subjected to duress.

### **§§ 6-7 — NOTICE OF SERVICES**

The bill requires the Office of the Chief Court Administrator to develop a concise notice about services for human trafficking victims. The notice must state the toll-free state and federal anti-trafficking hotline numbers 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 offering food, fuel, lawful overnight truck parking, and shower and laundry facilities. It also

applies to anyone who holds an on-premises consumption permit for the retail sale of alcohol except someone who only holds one or more of the following permits:

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; or
4. farm winery or beer manufacturer permit, beer and brew pub manufacturer permit, or other manufacturer permit.

## **§§ 9-10 — TRAFFICKING IN PERSONS COUNCIL**

### ***Membership***

The bill changes the membership of the Trafficking in Persons Council. As of the bill's passage, it removes as members the (1) attorney general; (2) chairpersons of the commissions on Children, Latino and Puerto Rican Affairs, and African-American Affairs; and (3) two Judicial Branch representatives appointed by the chief court administrator, one of whom represents the Court Support Services Division. The bill also changes the House minority leader's appointment from someone representing the Asian-American community to someone representing the Motor Transport Association of Connecticut, Inc.

As under current law, the other council members are the following people:

1. the chief state's attorney;
2. the chief public defender;
3. the Children and Families, Emergency Services and Public Protection, Labor, Mental Health and Addiction Services, Public Health, Social Services commissioners;

4. the child advocate;
5. the victim advocate;
6. the Permanent Commission on the Status of Women chairperson;
7. a municipal police chief, appointed by the Connecticut Police Chiefs Association;
8. an OVS representative, appointed by the chief court administrator;
9. a representative of Connecticut Sexual Assault Crisis Services, Inc., appointed by the governor;
10. a representative of an organization providing civil legal services to low-income individuals, appointed by the Senate president pro tempore;
11. a representative of the Connecticut Coalition Against Domestic Violence, appointed by the House speaker;
12. a representative of an organization dealing with women's and childrens' behavioral health needs, appointed by the Senate majority leader;
13. a representative of an organization advocating on social justice and human rights issues, appointed by the House majority leader; and
14. a representative of the Connecticut Immigrant and Refugee Coalition, appointed by the Senate minority leader.

The bill eliminates the ability of the OVS representative to designate someone to serve on his or her behalf. As under current law, members other than those appointed by the governor and legislative leaders can designate someone to serve as their representatives. But the bill no

longer requires them to make the designation in writing.

### ***Report on Statutory Deficiencies***

The bill requires the council to meet by September 1, 2013 to study data relating to trafficking in persons offenses in Connecticut. The council must examine and identify deficiencies in the statutes and propose legislation to address any deficiencies. The bill requires the council to report to the Judiciary Committee by January 1, 2014.

By law, the council must meet to (1) provide updates and progress reports; (2) identify criteria for providing services to adult trafficking victims; and (3) consult with government and non-government organizations to develop recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims, and prosecute traffickers. It may request data and information from state and local agencies to carry out its duties. It must meet at least three times per year and report annually by January 1 to the legislature.

## **BACKGROUND**

### ***Prostitution***

A person age 16 or older commits this crime when he or she engages, or agrees or offers to engage in, sexual conduct with someone for a fee. Prostitution is a class A misdemeanor.

### ***3<sup>rd</sup> Degree Promoting Prostitution***

A person commits this crime when he or she knowingly advances or profits from prostitution. This crime is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

### ***Related Bills***

SB 834 (File 51), 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.

sSB 871 (File 680, as amended by Senate Amendment "A") 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.

sSB 1158 (File 717), reported favorably by the Judiciary Committee, contains provisions similar to this bill:

1. adding commercial exploitation of a minor as a crime that can be a basis for forfeiting property related to sexual exploitation and human trafficking crimes;
2. requiring that any proceeds left after publicly auctioning forfeited property and paying required costs be deposited in the Criminal Injuries Compensation Fund, rather than the General Fund;
3. requiring (a) the chief court administrator to develop a notice about services for human trafficking victims and (b) truck stops and certain establishments serving alcohol to post it; and
4. requiring OVS to analyze the compensation and services for victims of sexual exploitation and human trafficking and recommend legislation.

sHB 6696 (File 741), reported favorably by the Judiciary Committee, contains provisions similar to this bill (1) expanding the crime of trafficking in persons, (2) increasing the penalty for patronizing a prostitute in certain circumstances, (3) allowing a person convicted of prostitution to apply to vacate the conviction under certain circumstances, and (4) making changes to the defenses to a prostitution charge. It also creates a task force to recommend statutory changes to enhance protections for trafficking victims.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/19/2013)