



General Assembly

January Session, 2015

**Governor's Bill No. 6849**

LCO No. 3931



Referred to Committee on JUDICIARY

Introduced by:

REP. SHARKEY, 88<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.

***AN ACT STRENGTHENING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING.***

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

1 Section 1. Section 19a-112b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2015*):

3 The Department of Public Health shall provide to victims of a  
4 sexual act constituting a violation of section 53-21, 53a-70, 53a-70a, 53a-  
5 70b, 53a-71, 53a-72a, 53a-72b, [or] 53a-73a or 53a-192a, as amended by  
6 this act, regardless of whether any person is convicted or adjudicated  
7 delinquent for such violation, the following services: (1) Counseling  
8 regarding human immunodeficiency virus and acquired immune  
9 deficiency syndrome; (2) HIV-related testing; and (3) referral service  
10 for appropriate health care and support services. Such services shall be  
11 provided through counseling and testing sites funded by the  
12 Department of Public Health.

13 Sec. 2. Subsection (b) of section 46a-170 of the general statutes is  
14 repealed and the following is substituted in lieu thereof (*Effective*  
15 *October 1, 2015*):

16 [(b) (1) Prior to June 24, 2013, the council shall consist of the  
17 following members: The Attorney General, the Chief State's Attorney,  
18 the Chief Public Defender, the Commissioner of Emergency Services  
19 and Public Protection, the Labor Commissioner, the Commissioner of  
20 Social Services, the Commissioner of Public Health, the Commissioner  
21 of Mental Health and Addiction Services, the Commissioner of  
22 Children and Families, the Child Advocate, the Victim Advocate, the  
23 chairperson of the Commission on Children, the chairperson of the  
24 Permanent Commission on the Status of Women, the chairperson of  
25 the Latino and Puerto Rican Affairs Commission, the chairperson of  
26 the African-American Affairs Commission, three representatives of the  
27 Judicial Branch appointed by the Chief Court Administrator, one of  
28 whom shall represent the Office of Victim Services and one of whom  
29 shall represent the Court Support Services Division, and a municipal  
30 police chief appointed by the Connecticut Police Chiefs Association, or  
31 a representative of any such member who has been designated in  
32 writing by such member to serve as such member's representative, and  
33 seven public members appointed as follows: The Governor shall  
34 appoint one member who shall represent Connecticut Sexual Assault  
35 Crisis Services, Inc., the president pro tempore of the Senate shall  
36 appoint one member who shall represent an organization that  
37 provides civil legal services to low-income individuals, the speaker of  
38 the House of Representatives shall appoint one member who shall  
39 represent the Connecticut Coalition Against Domestic Violence, the  
40 majority leader of the Senate shall appoint one member who shall  
41 represent an organization that deals with behavioral health needs of  
42 women and children, the majority leader of the House of  
43 Representatives shall appoint one member who shall represent an  
44 organization that advocates on social justice and human rights issues,  
45 the minority leader of the Senate shall appoint one member who shall  
46 represent the Connecticut Immigrant and Refugee Coalition, and the

47 minority leader of the House of Representatives shall appoint one  
48 member who shall represent the Asian-American community.

49 (2) On and after June 24, 2013, the]

50 (b) The council shall consist of the following members: [(A)] (1) The  
51 Chief State's Attorney, or a designee; [(B)] (2) the Chief Public  
52 Defender, or a designee; [(C)] (3) the Commissioner of Emergency  
53 Services and Public Protection, or the commissioner's designee; [(D)]  
54 (4) the Labor Commissioner, or the commissioner's designee; [(E)] (5)  
55 the Commissioner of Social Services, or the commissioner's designee;  
56 [(F)] (6) the Commissioner of Public Health, or the commissioner's  
57 designee; [(G)] (7) the Commissioner of Mental Health and Addiction  
58 Services, or the commissioner's designee; [(H)] (8) the Commissioner of  
59 Children and Families, or the commissioner's designee; [(I)] (9) the  
60 Child Advocate, or the Child Advocate's designee; [(J)] (10) the Victim  
61 Advocate, or the Victim Advocate's designee; [(K)] (11) the chairperson  
62 of the Permanent Commission on the Status of Women, or the  
63 chairperson's designee; [(L)] (12) one representative of the Office of  
64 Victim Services of the Judicial Branch appointed by the Chief Court  
65 Administrator; [(M)] (13) a municipal police chief appointed by the  
66 Connecticut Police Chiefs Association, or a designee; and [(N)] seven  
67 (14) nine public members appointed as follows: The Governor shall  
68 appoint [one member who] three members, one of whom shall  
69 represent Connecticut Sexual Assault Crisis Services, Inc., one of  
70 whom shall represent victims of commercial exploitation of children,  
71 and one of whom shall represent sex trafficking victims who are  
72 children, the president pro tempore of the Senate shall appoint one  
73 member who shall represent an organization that provides civil legal  
74 services to low-income individuals, the speaker of the House of  
75 Representatives shall appoint one member who shall represent the  
76 Connecticut Coalition Against Domestic Violence, the majority leader  
77 of the Senate shall appoint one member who shall represent an  
78 organization that deals with behavioral health needs of women and  
79 children, the majority leader of the House of Representatives shall

80 appoint one member who shall represent an organization that  
81 advocates on social justice and human rights issues, the minority  
82 leader of the Senate shall appoint one member who shall represent the  
83 Connecticut Immigrant and Refugee Coalition, and the minority leader  
84 of the House of Representatives shall appoint one member who shall  
85 represent the Motor Transport Association of Connecticut, Inc.

86 Sec. 3. Section 46b-146 of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective October 1, 2015*):

88 Whenever any child has been convicted as delinquent, has been  
89 adjudicated a member of a family with service needs or has signed a  
90 statement of responsibility admitting to having committed a  
91 delinquent act, and has subsequently been discharged from the  
92 supervision of the Superior Court or from the custody of the  
93 Department of Children and Families or from the care of any other  
94 institution or agency to whom the child has been committed by the  
95 court, such child, or the child's parent or guardian, may file a petition  
96 with the Superior Court. If such court finds (1) (A) that at least two  
97 years or, in the case of a child convicted as delinquent for the  
98 commission of a serious juvenile offense, four years have elapsed from  
99 the date of such discharge, [(2)] (B) that no subsequent juvenile  
100 proceeding or adult criminal proceeding is pending against such child,  
101 [(3)] (C) that such child has not been convicted of a delinquent act that  
102 would constitute a felony or misdemeanor if committed by an adult  
103 during such two-year or four-year period, [(4)] (D) that such child has  
104 not been convicted as an adult of a felony or misdemeanor during such  
105 two-year or four-year period, and [(5)] (E) that such child has reached  
106 eighteen years of age, or (2) that such child has a criminal record as a  
107 result of being a victim of conduct by another person that constitutes a  
108 violation of section 53a-192a, as amended by this act, or a criminal  
109 violation of 18 USC Chapter 77, the court shall order all police and  
110 court records pertaining to such child to be erased. Upon the entry of  
111 such an erasure order, all references including arrest, complaint,  
112 referrals, petitions, reports and orders, shall be removed from all

113 agency, official and institutional files, and a finding of delinquency or  
114 that the child was a member of a family with service needs shall be  
115 deemed never to have occurred. The persons in charge of such records  
116 shall not disclose to any person information pertaining to the record so  
117 erased, except that the fact of such erasure may be substantiated  
118 where, in the opinion of the court, it is in the best interests of such  
119 child to do so. No child who has been the subject of such an erasure  
120 order shall be deemed to have been arrested ab initio, within the  
121 meaning of the general statutes, with respect to proceedings so erased.  
122 Copies of the erasure order shall be sent to all persons, agencies,  
123 officials or institutions known to have information pertaining to the  
124 delinquency or family with service needs proceedings affecting such  
125 child. Whenever a child is dismissed as not delinquent or as not being  
126 a member of a family with service needs, all police and court records  
127 pertaining to such charge shall be ordered erased immediately,  
128 without the filing of a petition. Nothing in this section shall prohibit  
129 the court from granting a petition to erase a child's records on a  
130 showing of good cause, after a hearing, before the time when such  
131 records could be erased.

132 Sec. 4. Section 53a-192a of the general statutes is repealed and the  
133 following is substituted in lieu thereof (*Effective October 1, 2015*):

134 (a) A person is guilty of trafficking in persons when such person (1)  
135 compels or induces another person who is eighteen years of age or  
136 older to engage in conduct involving more than one occurrence of  
137 sexual contact with one or more third persons, or provide labor or  
138 services that such person has a legal right to refrain from providing, by  
139 means of [(1)] (A) the use of force against such other person or a third  
140 person, or by the threat of use of force against such other person or a  
141 third person, [(2)] (B) fraud, or [(3)] (C) coercion, as provided in section  
142 53a-192, or (2) compels or induces another person who is under  
143 eighteen years of age to engage in conduct involving more than one  
144 occurrence of sexual contact with one or more third persons, or  
145 provide labor or services that such person has a legal right to refrain

146 from providing. For the purposes of this subsection, "sexual contact"  
147 means any contact with the intimate parts of another person.

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

149 Sec. 5. Section 54-41b of the general statutes is repealed and the  
150 following is substituted in lieu thereof (*Effective October 1, 2015*):

151 The Chief State's Attorney or the state's attorney for the judicial  
152 district in which the interception is to be conducted may make  
153 application to a panel of judges for an order authorizing the  
154 interception of any wire communication by investigative officers  
155 having responsibility for the investigation of offenses as to which the  
156 application is made when such interception may provide evidence of  
157 the commission of offenses involving gambling, bribery, violations of  
158 section 53-395, violations of section 53a-70c, violations of subsection (a)  
159 of section 53a-90a, violations of section 53a-192a, as amended by this  
160 act, violations of section 53a-196, violations of section 21a-277,  
161 felonious crimes of violence or felonies involving the unlawful use or  
162 threatened use of physical force or violence committed with the intent  
163 to intimidate or coerce the civilian population or a unit of government.

164 Sec. 6. Subsection (a) of section 54-211 of the general statutes is  
165 repealed and the following is substituted in lieu thereof (*Effective*  
166 *October 1, 2015*):

167 (a) (1) No order for the payment of compensation shall be made  
168 under section 54-210 unless (A) the application has been made within  
169 two years after the date of the personal injury or death, (B) the  
170 personal injury or death was the result of an incident or offense listed  
171 in section 54-209, and (C) such incident or offense has been reported to  
172 the police within five days of its occurrence or, if the incident or  
173 offense could not reasonably have been reported within such period,  
174 within five days of the time when a report could reasonably have been  
175 made, except that a victim of a sexual assault shall not be ineligible for  
176 the payment of compensation by reason of failing to make a report

177 pursuant to this subparagraph if such victim presented himself or  
178 herself to a health care facility within seventy-two hours of such sexual  
179 assault for examination and collection of evidence of such sexual  
180 assault in accordance with the provisions of section 19a-112a. (2)  
181 Notwithstanding the provisions of subdivision (1) of this subsection,  
182 any person who, before, on or after October 1, 2005, fails to make  
183 application for compensation within two years after the date of the  
184 personal injury or death as a result of physical, emotional or  
185 psychological injuries caused by such personal injury or death may  
186 apply for a waiver of such time limitation. The Office of Victim  
187 Services, upon a finding of such physical, emotional or psychological  
188 injury, may grant such waiver. (3) Notwithstanding the provisions of  
189 subdivision (1) of this subsection, any minor, including, but not limited  
190 to, a minor who is a victim of conduct by another person that  
191 constitutes a violation of section 53a-192a, as amended by this act, or a  
192 criminal violation of 18 USC Chapter 77, who, before, on or after  
193 October 1, 2005, fails to make application for compensation within two  
194 years after the date of the personal injury or death through no fault of  
195 the minor, may apply for a waiver of such time limitation. The Office  
196 of Victim Services, upon a finding that such minor is not at fault, may  
197 grant such waiver. (4) Notwithstanding the provisions of subdivision  
198 (1) of this subsection, a person who is a dependent of a victim may  
199 make application for payment of compensation not later than two  
200 years from the date that such person discovers or in the exercise of  
201 reasonable care should have discovered that the person upon whom  
202 the applicant was dependent was a victim or ninety days after May 26,  
203 2000, whichever is later. Such person shall file with such application a  
204 statement signed under penalty of false statement setting forth the date  
205 when such person discovered that the person upon whom the  
206 applicant was dependent was a victim and the circumstances that  
207 prevented such person discovering that the person upon whom the  
208 applicant was dependent was a victim until more than two years after  
209 the date of the incident or offense. There shall be a rebuttable  
210 presumption that a person who files such a statement and is otherwise  
211 eligible for compensation pursuant to sections 54-201 to 54-233,

212 inclusive, is entitled to compensation. (5) Any waiver denied by the  
213 Office of Victim Services under this subsection may be reviewed by a  
214 victim compensation commissioner, provided such request for review  
215 is made by the applicant within thirty days from the mailing of the  
216 notice of denial by the Office of Victim Services. If a victim  
217 compensation commissioner grants such waiver, the commissioner  
218 shall refer the application for compensation to the Office of Victim  
219 Services for a determination pursuant to section 54-205. (6)  
220 Notwithstanding the provisions of subdivision (1), (2) or (3) of this  
221 subsection, the Office of Victim Services may, for good cause shown  
222 and upon a finding of compelling equitable circumstances, waive the  
223 time limitations of subdivision (1) of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	19a-112b
Sec. 2	<i>October 1, 2015</i>	46a-170(b)
Sec. 3	<i>October 1, 2015</i>	46b-146
Sec. 4	<i>October 1, 2015</i>	53a-192a
Sec. 5	<i>October 1, 2015</i>	54-41b
Sec. 6	<i>October 1, 2015</i>	54-211(a)

**JUD**      *Joint Favorable*