



House of Representatives

File No. 757

General Assembly

February Session, 2016

(Reprint of File No. 425)

Substitute House Bill No. 5621
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 28, 2016

AN ACT CONCERNING HUMAN TRAFFICKING.

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

1 Section 1. Section 46a-170 of the 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2016*):

4 (a) There is established a Trafficking in Persons Council that shall be
5 within the Permanent Commission on the Status of Women for
6 administrative purposes only.

7 (b) The council shall consist of the following members: (1) The Chief
8 State's Attorney, or a designee; (2) the Chief Public Defender, or a
9 designee; (3) the Commissioner of Emergency Services and Public
10 Protection, or the commissioner's designee; (4) the Labor
11 Commissioner, or the commissioner's designee; (5) the Commissioner
12 of Social Services, or the commissioner's designee; (6) the
13 Commissioner of Public Health, or the commissioner's designee; (7) the
14 Commissioner of Mental Health and Addiction Services, or the
15 commissioner's designee; (8) the Commissioner of Children and

16 Families, or the commissioner's designee; (9) the Commissioner of
17 Consumer Protection, or the commissioner's designee; (10) the director
18 of the Basic Training Division of the Police Officer Standards and
19 Training Council, or the director's designee; (11) the Child Advocate,
20 or the Child Advocate's designee; [(10)] (12) the Victim Advocate, or
21 the Victim Advocate's designee; [(11)] (13) the chairperson of the
22 Permanent Commission on the Status of Women, or the chairperson's
23 designee; [(12)] (14) one representative of the Office of Victim Services
24 of the Judicial Branch appointed by the Chief Court Administrator;
25 [(13)] (15) a municipal police chief appointed by the Connecticut Police
26 Chiefs Association, or a designee; and [(14)] (16) nine public members
27 appointed as follows: The Governor shall appoint [three] two
28 members, [one of whom shall represent Connecticut Sexual Assault
29 Crisis Services, Inc.,] one of whom shall represent victims of
30 commercial exploitation of children [,] and one of whom shall
31 represent sex trafficking victims who are children, the president pro
32 tempore of the Senate shall appoint [one member who] two members,
33 one of whom shall represent the Connecticut Alliance to End Sexual
34 Violence and one of whom shall represent an organization that
35 provides civil legal services to low-income individuals, the speaker of
36 the House of Representatives shall appoint [one member who] two
37 members, one of whom shall represent the Connecticut Coalition
38 Against Domestic Violence and one of whom shall represent the
39 Connecticut Lodging Association, the majority leader of the Senate
40 shall appoint one member who shall represent an organization that
41 deals with behavioral health needs of women and children, the
42 majority leader of the House of Representatives shall appoint one
43 member who shall represent an organization that advocates on social
44 justice and human rights issues, the minority leader of the Senate shall
45 appoint one member who shall represent the Connecticut Immigrant
46 and Refugee Coalition, and the minority leader of the House of
47 Representatives shall appoint one member who shall represent the
48 Motor Transport Association of Connecticut, Inc.

49 (c) The chairperson of the Permanent Commission on the Status of

50 Women shall serve as chairperson of the council. The members of the
51 council shall serve without compensation but shall be reimbursed for
52 necessary expenses incurred in the performance of their duties.

53 (d) The council shall: (1) Hold meetings to provide updates and
54 progress reports, (2) [identify criteria for providing services to adult
55 trafficking victims, (3) identify criteria for providing services to
56 children of trafficking victims] coordinate the collection, analysis and
57 dissemination of data regarding human trafficking, and [(4)] (3)
58 consult with governmental and nongovernmental organizations in
59 developing recommendations to strengthen state and local efforts to
60 prevent trafficking, protect and assist victims of trafficking and
61 prosecute traffickers. The council shall meet at least three times per
62 year.

63 (e) The council may request data and other information from state
64 and local agencies to carry out its duties under this section.

65 (f) Not later than January 1, 2008, and annually thereafter, the
66 council shall submit a report of its activities, including any
67 recommendations for legislation, to the General Assembly in
68 accordance with section 11-4a.

69 (g) For the purposes of this section, "trafficking" means all acts
70 involved in the recruitment, abduction, transport, harboring, transfer,
71 sale or receipt of persons, within national or across international
72 borders, through force, coercion, fraud or deception, to place persons
73 in situations of slavery or slavery-like conditions, forced labor or
74 services, such as forced prostitution or sexual services, domestic
75 servitude, bonded sweatshop labor or other debt bondage.

76 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than October 1,
77 2016, and annually thereafter, each state's attorney and each municipal
78 chief of police shall report, in accordance with the provisions of section
79 11-4a of the general statutes, to the joint standing committees of the
80 General Assembly having cognizance of matters relating to the
81 judiciary and children on: (1) All participation in federal, state-wide or

82 regional anti-human trafficking efforts, (2) the number of referrals
83 made relating to allegations of human trafficking, (3) the criteria used
84 when deciding whether to investigate allegations of human trafficking
85 or initiate criminal proceedings related to human trafficking, (4)
86 coordination of efforts between the Office of the Chief State's Attorney
87 and municipal police departments concerning human trafficking cases,
88 (5) the nature of annual training provided by each state's attorney and
89 municipal police department concerning human trafficking, (6)
90 obstacles to investigating human trafficking, (7) the number of
91 investigations involving missing children, (8) the number of referrals
92 from the Department of Children and Families relating to human
93 trafficking, and (9) the number of human trafficking cases referred for
94 prosecution.

95 (b) In addition, each state's attorney shall include with such report
96 (1) the number of human trafficking cases that resulted in convictions,
97 and (2) the final disposition of all human trafficking cases, including
98 those cases that were appealed. Data and information provided
99 pursuant to this section shall be for the twelve-month period preceding
100 the date of the report.

101 Sec. 3. (NEW) (*Effective October 1, 2016*) The operator of each hotel,
102 motel, inn or similar lodging shall maintain a record-keeping system of
103 all guest transactions and receipts. All records maintained pursuant to
104 this section shall be retained by the operator of such hotel, motel, inn
105 or similar lodging for not less than six months from the date of
106 creation of the record.

107 Sec. 4. (NEW) (*Effective October 1, 2016*) The Commissioner of
108 Children and Families and the Commissioner of Emergency Services
109 and Public Protection shall consult with state and national hotel and
110 lodging associations to recommend an educational training program
111 and refresher training program for the accurate and prompt
112 identification and reporting of suspected human trafficking. The
113 training program shall include a video presentation, developed and
114 approved by said commissioners, that offers guidance to employees of

115 hotels, motels, inns and similar lodgings on the (1) recognition of
116 potential victims of human trafficking, and (2) activities commonly
117 associated with human trafficking.

118 Sec. 5. (NEW) (*Effective October 1, 2016*) The operator of each hotel,
119 motel, inn or similar lodging shall ensure that each employee of such
120 hotel, motel, inn or similar lodging receive training at the time of hire
121 on the (1) recognition of potential victims of human trafficking, and (2)
122 activities commonly associated with human trafficking. In addition,
123 such operator shall conduct ongoing awareness campaigns for
124 employees on the activities commonly associated with human
125 trafficking. On or before October 1, 2017, and annually thereafter, the
126 operator of each hotel, motel, inn or similar lodging shall certify that
127 each employee of any such establishment has received the training
128 prescribed by this section in each employee's personnel file.

129 Sec. 6. Section 53a-82 of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective October 1, 2016*):

131 (a) A person [sixteen] eighteen years of age or older is guilty of
132 prostitution when such person engages or agrees or offers to engage in
133 sexual conduct with another person in return for a fee.

134 (b) In any prosecution for an offense under this section, it shall be an
135 affirmative defense that the actor was a victim of conduct by another
136 person that constitutes (1) a violation of section 53a-192a, or (2) a
137 criminal violation of 18 USC Chapter 77, as amended from time to
138 time.

139 [(c) In any prosecution of a person sixteen or seventeen years of age
140 for an offense under this section, there shall be a presumption that the
141 actor was a victim of conduct by another person that constitutes (1) a
142 violation of section 53a-192a, or (2) a criminal violation of 18 USC
143 Chapter 77, as amended from time to time.]

144 [(d)] (c) Nothing in this section shall limit a person's right to assert
145 the defense of duress pursuant to section 53a-14 in any prosecution for

146 an offense under this section.

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

148 Sec. 7. Section 53a-83 of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective October 1, 2016*):

150 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant
151 to a prior understanding, he pays a fee to another person as
152 compensation for such person or a third person having engaged in
153 sexual conduct with him; or (2) he pays or agrees to pay a fee to
154 another person pursuant to an understanding that in return therefor
155 such person or a third person will engage in sexual conduct with him;
156 or (3) he solicits or requests another person to engage in sexual
157 conduct with him in return for a fee.

158 (b) Except as provided in subsection (c) of this section, patronizing a
159 prostitute is a class A misdemeanor and any person found guilty shall
160 be fined two thousand dollars.

161 (c) Patronizing a prostitute is a class C felony if [such person knew
162 or reasonably should have known at the time of the offense that] such
163 other person (1) had not attained eighteen years of age, or (2) was the
164 victim of conduct of another person that constitutes (A) trafficking in
165 persons in violation of section 53a-192a, as amended by this act, or (B)
166 a criminal violation of 18 USC Chapter 77, as amended from time to
167 time.

168 Sec. 8. Section 53a-83a of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2016*):

170 (a) A person is guilty of patronizing a prostitute from a motor
171 vehicle when he, while occupying a motor vehicle: (1) Pursuant to a
172 prior understanding, pays a fee to another person as compensation for
173 such person or a third person having engaged in sexual conduct with
174 him; or (2) pays or agrees to pay a fee to another person pursuant to an
175 understanding that in return therefor such person or a third person

176 will engage in sexual conduct with him; or (3) solicits or requests
177 another person to engage in sexual conduct with him in return for a
178 fee; or (4) engages in sexual conduct for which a fee was paid or agreed
179 to be paid.

180 (b) Patronizing a prostitute from a motor vehicle is a class A
181 misdemeanor and any person found guilty shall be fined two
182 thousand dollars.

183 Sec. 9. Section 53a-90a of the general statutes is repealed and the
184 following is substituted in lieu thereof (*Effective October 1, 2016*):

185 (a) A person is guilty of enticing a minor when such person uses an
186 interactive computer service to knowingly persuade, induce, entice or
187 coerce any person (1) under [sixteen] eighteen years of age, or (2) who
188 the actor reasonably believes to be under eighteen years of age, to
189 engage in prostitution or sexual activity for which the actor may be
190 charged with a criminal offense. For purposes of this section,
191 "interactive computer service" means any information service, system
192 or access software provider that provides or enables computer access
193 by multiple users to a computer server, including specifically a service
194 or system that provides access to the Internet and such systems
195 operated or services offered by libraries or educational institutions.

196 (b) (1) Except as provided in subdivision (2) of this subsection,
197 enticing a minor is a class D felony for a first offense, a class C felony
198 for a second offense and a class B felony for any subsequent offense.

199 (2) Enticing a minor is a class B felony if the victim of the offense is
200 under thirteen years of age and any person found guilty of such class B
201 felony shall, for a first offense, be sentenced to a term of imprisonment
202 of which five years of the sentence imposed may not be suspended or
203 reduced by the court and, for any subsequent offense, be sentenced to
204 a term of imprisonment of which ten years of the sentence imposed
205 may not be suspended or reduced by the court.

206 Sec. 10. Section 54-234a of the general statutes is repealed and the

207 following is substituted in lieu thereof (*Effective October 1, 2016*):

208 (a) [On and after the date a notice is developed and made available
209 pursuant to subsection (b) of section 54-222, each truck stop] The
210 operator of any publicly or privately operated highway service plaza,
211 any hotel, motel, inn or similar lodging or any business that sells or
212 offers for sale materials or promotes performances intended for an
213 adult-only audience and each person who holds an on-premises
214 consumption permit for the retail sale of alcoholic liquor pursuant to
215 title 30 shall post the notice developed pursuant to subsection (b) of
216 section 54-222 in plain view in a conspicuous location where sales are
217 to be carried on. [For the purposes of this section, "truck stop" means a
218 privately owned and operated facility where food, fuel, lawful
219 overnight truck parking and shower and laundry facilities are offered.]

220 (b) The provisions of subsection (a) of this section shall not apply to
221 any person who holds an on-premises consumption permit for the
222 retail sale of alcoholic liquor pursuant to title 30 that consists of only
223 one or more of the following: (1) A caterer, railroad, boat, airline,
224 military, charitable organization, special club, temporary liquor or
225 temporary beer permit, [(2) a restaurant permit, restaurant permit for
226 beer, restaurant permit for wine and beer or cafe permit, or (3)] or (2) a
227 manufacturer permit for a farm winery, a manufacturer permit for
228 beer, manufacturer permits for beer and brew pubs, or any other
229 manufacturer permit issued under title 30.

230 Sec. 11. Subsection (a) of section 54-36p of the general statutes is
231 repealed and the following is substituted in lieu thereof (*Effective*
232 *October 1, 2016*):

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

235 (1) All moneys used, or intended for use, in a violation of
236 subdivision (3) of subsection (a) of section 53-21 or section [53a-82,
237 53a-86, 53a-87, 53a-88, 53a-90a, as amended by this act, 53a-189a, 53a-
238 189b, 53a-192a, as amended by this act, 53a-196a, 53a-196b, 53a-196c or

239 53a-196i;

240 (2) All property constituting the proceeds obtained, directly or
241 indirectly, from a violation of subdivision (3) of subsection (a) of
242 section 53-21 or section [53a-82,] 53a-86, 53a-87, 53a-88, 53a-90a, as
243 amended by this act, 53a-189a, 53a-189b, 53a-192a, as amended by this
244 act, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

245 (3) All property derived from the proceeds obtained, directly or
246 indirectly, from a violation of subdivision (3) of subsection (a) of
247 section 53-21 or section [53a-82,] 53a-86, 53a-87, 53a-88, 53a-90a, as
248 amended by this act, 53a-189a, 53a-189b, 53a-192a, as amended by this
249 act, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

250 (4) All property used or intended for use, in any manner or part, to
251 commit or facilitate the commission of a violation of subdivision (3) of
252 subsection (a) of section 53-21 or section [53a-82] 53a-83, as amended
253 by this act, 53a-83a, as amended by this act, 53a-86, 53a-87, 53a-88, 53a-
254 90a, as amended by this act, 53a-189a, 53a-189b, 53a-192a, as amended
255 by this act, 53a-196a, 53a-196b, 53a-196c or 53a-196i.

256 Sec. 12. Section 53a-192a of the 2016 supplement to the general
257 statutes is repealed and the following is substituted in lieu thereof
258 (*Effective October 1, 2016*):

259 (a) A person is guilty of trafficking in persons when such person (1)
260 compels or induces another person to engage in conduct involving
261 [more than one occurrence of] sexual contact with one or more third
262 persons, or provide labor or services that such person has a legal right
263 to refrain from providing, by means of (A) the use of force against such
264 other person or a third person, or by the threat of use of force against
265 such other person or a third person, (B) fraud, or (C) coercion, as
266 provided in section 53a-192, or (2) compels or induces another person
267 who is under eighteen years of age to engage in conduct involving
268 [more than one occurrence of] sexual contact with one or more third
269 persons that constitutes [(A) prostitution, or (B)] sexual contact for
270 which such third person may be charged with a criminal offense. For

271 the purposes of this subsection, "sexual contact" means any contact
272 with the intimate parts of another person.

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

274 Sec. 13. Subsection (j) of section 46b-38c of the 2016 supplement to
275 the general statutes is repealed and the following is substituted in lieu
276 thereof (*Effective October 1, 2016*):

277 (j) The Judicial Department shall establish an ongoing training
278 program for judges, Court Support Services Division personnel,
279 guardians ad litem and clerks to inform them about the policies and
280 procedures of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and
281 54-1g, including, but not limited to, the function of the family violence
282 intervention units and the use of restraining and protective orders.
283 Such training program shall include an examination of the factors that
284 contribute to a family being at risk for episodes of domestic violence
285 within the family. The Judicial Branch may consult with organizations
286 that advocate on behalf of victims of domestic violence in order to
287 ensure that the training includes information on the unique
288 characteristics of family violence crimes.

289 Sec. 14. Subsection (a) of section 53a-40e of the general statutes is
290 repealed and the following is substituted in lieu thereof (*Effective*
291 *October 1, 2016*):

292 (a) If any person is convicted of (1) a violation of subdivision (1) or
293 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,
294 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-
295 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b [,] or 53a-
296 183, subdivision (2) of subsection (a) of section 53a-192a, as amended
297 by this act, section 53a-223, 53a-223a or 53a-223b or attempt or
298 conspiracy to violate any of said sections or section 53a-54a, or (2) any
299 crime that the court determines constitutes a family violence crime, as
300 defined in section 46b-38a, or attempt or conspiracy to commit any
301 such crime, the court may, in addition to imposing the sentence
302 authorized for the crime under section 53a-35a or 53a-36, if the court is

303 of the opinion that the history and character and the nature and
304 circumstances of the criminal conduct of such offender indicate that a
305 standing criminal protective order will best serve the interest of the
306 victim and the public, issue a standing criminal protective order which
307 shall remain in effect for a duration specified by the court until
308 modified or revoked by the court for good cause shown. If any person
309 is convicted of any crime not specified in subdivision (1) or (2) of this
310 subsection, the court may, for good cause shown, issue a standing
311 criminal protective order pursuant to this subsection.

312 Sec. 15. Section 54-95c of the general statutes is repealed and the
313 following is substituted in lieu thereof (*Effective October 1, 2016*):

314 At any time after a judgment of conviction is entered pursuant to
315 section 53a-82, the defendant may apply to the Superior Court to
316 vacate [the] any judgment of conviction on the basis that [, at the time
317 of the offense, the defendant was] his or her participation in the offense
318 was a result of having been a victim of conduct of another person that
319 constitutes (1) trafficking in persons under section 53a-192a, as
320 amended by this act, or (2) a criminal violation of 18 USC Chapter 77,
321 as amended from time to time. Prior to rendering a decision on a
322 defendant's application to vacate [the] any judgment of conviction, the
323 court shall afford the prosecutor a reasonable opportunity to
324 investigate the defendant's claim and an opportunity to be heard to
325 contest the defendant's application. If the defendant proves that he or
326 she was a victim of trafficking in persons under said section or a victim
327 of a criminal violation of said chapter at the time of the offense, the
328 court shall vacate [the] any judgment of conviction and dismiss any
329 charges related to the offense. The vacating of a judgment of conviction
330 and dismissal of charges pursuant to this section shall not constitute
331 grounds for an award of compensation for wrongful arrest,
332 prosecution, conviction or incarceration pursuant to section 54-102uu
333 or any other provision of the general statutes.

334 Sec. 16. Section 53a-86 of the general statutes is repealed and the
335 following is substituted in lieu thereof (*Effective October 1, 2016*):

336 (a) A person is guilty of promoting prostitution in the first degree
337 when he knowingly: (1) Advances prostitution by compelling a person
338 by force or intimidation to engage in prostitution, or profits from
339 coercive conduct by another; or (2) advances or profits from
340 prostitution of a person less than eighteen years old.

341 (b) Promoting prostitution in the first degree is a class B felony. Any
342 person found guilty under subdivision (2) of subsection (a) of this
343 section shall be sentenced to a term of imprisonment of which nine
344 months of the sentence imposed may not be suspended or reduced by
345 the court and shall be fined fifteen thousand dollars.

346 Sec. 17. Section 53a-87 of the general statutes is repealed and the
347 following is substituted in lieu thereof (*Effective October 1, 2016*):

348 (a) A person is guilty of promoting prostitution in the second degree
349 when he knowingly advances or profits from prostitution by
350 managing, supervising, controlling or owning, either alone or in
351 association with others, a house of prostitution or a prostitution
352 business or enterprise involving prostitution activity by two or more
353 prostitutes.

354 (b) Promoting prostitution in the second degree is a class C felony
355 and any person found guilty shall be fined ten thousand dollars.

356 Sec. 18. Section 53a-88 of the general statutes is repealed and the
357 following is substituted in lieu thereof (*Effective October 1, 2016*):

358 (a) A person is guilty of promoting prostitution in the third degree
359 when he knowingly advances or profits from prostitution.

360 (b) Promoting prostitution in the third degree is a class D felony and
361 any person found guilty shall be fined five thousand dollars.

362 Sec. 19. Section 53a-89 of the general statutes is repealed and the
363 following is substituted in lieu thereof (*Effective October 1, 2016*):

364 (a) A person is guilty of permitting prostitution when, having

365 possession or control of premises which he knows are being used for
 366 prostitution purposes, he fails to make reasonable effort to halt or
 367 abate such use.

368 (b) Permitting prostitution is a class A misdemeanor and any person
 369 found guilty shall be fined two thousand dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	46a-170
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2016</i>	New section
Sec. 4	<i>October 1, 2016</i>	New section
Sec. 5	<i>October 1, 2016</i>	New section
Sec. 6	<i>October 1, 2016</i>	53a-82
Sec. 7	<i>October 1, 2016</i>	53a-83
Sec. 8	<i>October 1, 2016</i>	53a-83a
Sec. 9	<i>October 1, 2016</i>	53a-90a
Sec. 10	<i>October 1, 2016</i>	54-234a
Sec. 11	<i>October 1, 2016</i>	54-36p(a)
Sec. 12	<i>October 1, 2016</i>	53a-192a
Sec. 13	<i>October 1, 2016</i>	46b-38c(j)
Sec. 14	<i>October 1, 2016</i>	53a-40e(a)
Sec. 15	<i>October 1, 2016</i>	54-95c
Sec. 16	<i>October 1, 2016</i>	53a-86
Sec. 17	<i>October 1, 2016</i>	53a-87
Sec. 18	<i>October 1, 2016</i>	53a-88
Sec. 19	<i>October 1, 2016</i>	53a-89

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 17 \$	FY 18 \$
Department of Emergency Services and Public Protection	GF - Revenue Gain	See Below	See Below
Department of Emergency Services and Public Protection; Consumer Protection, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Revenue Gain	Minimal	Minimal
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost/Revenue Loss	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Municipal Police Departments	Revenue Gain	See Below	See Below

Explanation

The bill, which increases the membership of the Trafficking in Persons Council, may result in minimal costs to those agency staff for mileage expenses.

The bill makes various changes to criminal statutes regarding prostitution, human trafficking, and enticing a minor. To the extent that offenders are prosecuted for new or 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 state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

In addition, the bill establishes a set fine for patronizing a prostitute and promoting and permitting prostitution and results in additional potential fine revenue.

The bill makes changes to specified forfeiture laws concerning sexual exploitation and is anticipated to result in potential minimal revenue gain. While the bill allows all money and property (including motor vehicles) seized on the arrested person to be forfeited to the state, based on current arrests it is anticipated that it will generate minimal revenue as most of these crimes do not occur in owner vehicles.

The bill also requires the Division of Criminal Justice and municipal police chief to annually report information on trafficking cases to the Children's and Judiciary committees, which is not expected to result in a fiscal impact.

House "A" strikes 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.

OLR Bill Analysis**sHB 5621 (as amended by House "A")******AN ACT CONCERNING HUMAN TRAFFICKING.*****SUMMARY:**

This bill makes a number of changes related to human trafficking. It:

1. increases the Trafficking in Persons Council's membership and changes the council's charge;
2. requires each state's attorney and municipal police chief to annually report information on trafficking cases and their anti-trafficking efforts to the Children's and Judiciary committees;
3. requires hotel, motel, inn, and similar lodging operators to (a) maintain a system to keep records of all guest transactions and receipts for at least six months and (b) ensure that their employees receive training on human trafficking when they are hired and provide ongoing awareness campaigns (§§ 3 & 5);
4. requires the Department of Children and Families (DCF) and Emergency Services and Public Protection (DESPP) commissioners to consult with state and national hotel and lodging associations to recommend a training and refresher training program related to human trafficking;
5. prohibits someone age 16 or 17 from being convicted of prostitution;
6. expands the conduct punishable as a class C felony under the crime of patronizing a prostitute;

7. sets the fine that is part of the penalty for certain prostitution-related crimes at the maximum of the range that is currently applicable for each crime;
8. expands the crime of enticing a minor to include enticing a minor age 16 or 17 or someone reasonably believed to be under age 18;
9. requires more people to post a notice about services for human trafficking victims;
10. changes the types of property subject to forfeiture as tainted funds and property related to sexual exploitation and human trafficking by (a) eliminating funds and property related to prostitution from these procedures and (b) subjecting to forfeiture property used or intended for use to commit or facilitate committing the crimes of patronizing a prostitute or patronizing a prostitute from a motor vehicle;
11. expands the trafficking in persons crime and allows the court to impose a standing criminal protective order against someone convicted of certain types of trafficking;
12. requires the judicial branch's family violence training program for judges, certain branch employees, and guardians ad litem to include an examination of the factors that contribute to a family being at risk of domestic violence; and
13. alters eligibility for vacating prostitution convictions.

*House Amendment "A" (1) adds appointments to the council by the Senate president pro tempore and House speaker and eliminates one of the governor's appointments; (2) requires DCF and DESPP to consult with lodging associations to recommend training programs, rather than requiring DCF to consult with DESPP in developing the programs as in the original file; (3) requires lodging operators to train employees at the time of hire and provide ongoing awareness

campaigns, instead of annual training as required by the original file; (4) requires lodging operators to certify that employees received training in the employee's personnel files rather than certifying to DCF as required by the original bill, and eliminates a penalty for failing to comply with the bill's training requirements; (5) expands the crime of enticing a minor to punish someone who reasonably believes the person being enticed is under age 18; (6) expands the trafficking in persons crime and allows the court to impose a standing criminal protective order against someone convicted of certain types of trafficking; (7) adds the provisions on the Judicial Branch training program, eligibility for vacating prostitution convictions, and fines for promoting or permitting prostitution crimes; and (8) eliminates provisions on using certain fine revenue for trafficking investigations.

EFFECTIVE DATE: October 1, 2016, except the annual reporting requirement for each state's attorney and municipal police chief is effective upon passage.

§ 1 — TRAFFICKING IN PERSONS COUNCIL

Membership

The bill increases the Trafficking in Persons Council's membership from 22 to 25. It does so by:

1. adding as members the consumer protection commissioner and Police Officer Standards and Training Council Basic Training Division director, or their designees;
2. adding as a second appointment by the Senate president pro tempore a public member representing the Connecticut Alliance to End Sexual Violence;
3. adding as a second appointment by the House speaker a public member representing the Connecticut Lodging Association; and
4. eliminating, as one of the governor's appointments, a member representing Connecticut Sexual Assault Crisis Services, Inc.

As under current law, the other members are:

1. the chief states attorney and chief public defender, or their designees;
2. the DCF, DESPP, labor, mental health and addiction services, public health, and social services commissioners, or their designees;
3. the child advocate and victim advocate, or their designees;
4. the Permanent Commission on the Status of Women chairperson, or her designee;
5. a judicial branch Office of Victim Services representative, appointed by the chief court administrator;
6. a municipal police chief, appointed by the Connecticut Police Chiefs Association, or the chief's designee;
7. a public member representing victims of commercial exploitation of children and a public member representing child sex trafficking victims, appointed by the governor;
8. a public member representing an organization that provides civil legal services to low-income individuals, appointed by the Senate president pro tempore;
9. a public member representing the Connecticut Coalition Against Domestic Violence, appointed by the House Speaker;
10. a public member representing an organization that deals with the behavioral health needs of women and children, appointed by the Senate majority leader;
11. a public member representing an organization that advocates on social justice and human rights, appointed by the House majority leader;

12. a public member representing the Connecticut Immigrant and Refugee Coalition, appointed by the Senate minority leader; and
13. a public member representing the Motor Transport Association of Connecticut, Inc., appointed by the House minority leader.

Charge

The bill changes the council's charge by (1) eliminating requirements that it identify criteria for providing services to adult and child trafficking victims and (2) requiring it to coordinate the collection, analysis, and dissemination of data on human trafficking. By law, the council must also meet to provide updates and progress reports and consult with governmental and nongovernmental organizations in developing recommendations on trafficking efforts.

§ 2 — REPORTS ON TRAFFICKING ACTIVITIES AND STATISTICS

The bill requires each state's attorney (there are 13 state's attorneys, one for each judicial district in the state) and each municipal police chief to report to the Children's and Judiciary committees annually, beginning by October 1, 2016, on:

1. their participation in federal, statewide, or regional anti-trafficking efforts;
2. the number of referrals made related to human trafficking allegations;
3. the criteria used when deciding whether to investigate human trafficking allegations or initiate related criminal proceedings;
4. coordination between the Chief State's Attorney's Office and local police departments on trafficking cases;
5. the nature of annual training provided by each state's attorney and local police departments on trafficking;
6. obstacles to investigating trafficking;

7. the number of missing children investigations;
8. the number of referrals from DCF relating to trafficking; and
9. the number of trafficking cases referred for prosecution.

The bill also requires state's attorneys to report for the previous 12 months on the (1) number of trafficking cases resulting in convictions and (2) final dispositions of trafficking cases, including those appealed.

§ 4 — TRAINING

The bill requires the DCF and DESPP commissioners to consult with state and national hotel and lodging associations to recommend a training and refresher training program for the accurate and prompt identification and reporting of suspected human trafficking. The commissioners must develop and approve a video presentation as part of the training that offers guidance to hotel, motel, and similar lodging employees on recognizing potential trafficking victims and common trafficking activities.

§ 5 — EMPLOYEE TRAINING

The bill requires hotel, motel, and similar lodging operators to ensure that employees in these establishments receive training when they are hired on recognizing potential trafficking victims and common trafficking activities. Operators must also conduct ongoing awareness campaigns for employees on common human trafficking activities.

Annually, beginning by October 1, 2017, operators must certify in each employee's personnel file that the employee received the training.

§ 6 — PROSTITUTION

The bill prohibits someone age 16 or 17 from being convicted of prostitution. Currently, someone this age can be convicted of prostitution but he or she is presumed to be a human trafficking victim, which provides an affirmative defense to a prostitution charge.

By law, prostitution is a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both.

§ 7 — PATRONIZING A PROSTITUTE

Currently, patronizing a prostitute is a class C felony if the person knew or reasonably should have known at the time of the offense that the prostitute was under age 18 or a trafficking victim. The bill subjects someone to this penalty regardless of whether he or she knows or should know the prostitute's age or status as a trafficking victim. By law, a class C felony is punishable by one to 10 years in prison, a fine of up to \$10,000, or both.

By law, other forms of patronizing a prostitute are punishable as a class A misdemeanor. The bill sets the fine at \$2,000 for this crime. Currently, courts can impose a fine of up to \$2,000.

§§ 8 & 16-19 — FINES FOR CERTAIN PROSTITUTION-RELATED CRIMES

The bill sets the fine that is part of the penalty for certain prostitution-related crimes at the maximum of the range that is currently applicable for each crime, as shown in Table 1.

Table 1: Penalties for Various Prostitution-Related Crimes and Changes to Fines Under the Bill

Crime (\$)	Classification	Prison Penalty	Current Fine	Fine Under the Bill
Patronizing a prostitute from a motor vehicle (§ 8)	Class A misdemeanor	Up to one year	Up to \$2,000	\$2,000
1 st degree promoting prostitution (§ 16)	Class B felony	Up to 20 years, with a nine-month mandatory minimum if involving prostitute under age 18	Up to \$15,000	\$15,000
2 nd degree promoting	Class C felony	Up to 10 years	Up to \$10,000	\$10,000

prostitution (§ 17)				
3 rd degree promoting prostitution (§ 18)	Class D felony	Up to five years	Up to \$5,000	\$5,000
Permitting (§ 19) prostitution	Class A misdemeanor	Up to one year	Up to \$2,000	\$2,000

§ 9 — ENTICING A MINOR

By law, a person commits this crime by using an interactive computer service to knowingly persuade, induce, entice, or coerce a minor to engage in prostitution or illegal sexual activity.

The bill expands this crime to include enticing a minor age 16 or 17; current law applies to minors under age 16. It also expands the crime to punish someone who reasonably believes the person being enticed is under age 18.

By law, this crime is a class D felony for a first offense, a class C felony for a second offense, and a class B felony for a third or subsequent offense. But it is a class B felony when the victim is under age 13, with a five-year mandatory minimum for a first offense and a 10-year mandatory minimum for a subsequent offense.

§ 10 — POSTING TRAFFICKING NOTICES

The bill requires more people to post a notice developed by the Office of the Chief Court Administrator about services for human trafficking victims.

It expands the types of service stops that must post the notice. Currently, privately owned and operated facilities offering food, fuel, lawful overnight truck parking, and shower and laundry facilities must post it. The bill instead requires any publicly or privately operated service plaza to post it.

It requires hotels, motels, similar lodgings, and businesses that offer for sale or promote performances for adult audiences to post the

notice.

The bill requires someone to post the notice if he or she holds one of the following types of on-premises consumption permits for the retail sale of alcohol: restaurant permit, restaurant permit for beer, restaurant permit for wine and beer, or café permit. As under existing law, other retail alcohol permit holders must post the notice, except for those who only hold 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; or
3. farm winery or beer manufacturer permit, beer and brew pub manufacturer permit, or other manufacturer permit.

By law, this notice must state the toll-free state and federal anti-trafficking hotline numbers that someone can call if he or she is forced to engage in an activity and cannot leave.

§§ 12 & 14 —TRAFFICKING IN PERSONS CRIME AND STANDING CRIMINAL PROTECTIVE ORDERS

The bill expands the trafficking in persons crime. Currently, a person can commit this crime by compelling or inducing another person to engage in multiple occurrences of sexual contact with at least one third person by (1) using or threatening to use force against either person or (2) committing fraud or coercing the person. The bill expands the crime by requiring only one occurrence of sexual contact under these circumstances.

Currently, another way to commit this crime is to compel or induce someone under age 18 to engage in more than one occurrence of sexual contact that is prostitution or illegal sexual contact with a third person. The bill expands the crime by requiring only one occurrence of sexual contact and eliminating references to prostitution. The bill also allows the court to impose a standing criminal protective order

against someone convicted of committing this type of trafficking.

By law, this crime is a class B felony, punishable by one to 20 years in prison, a fine of up to \$15,000, or both.

§ 13 — JUDICIAL BRANCH TRAINING

The bill requires the judicial branch's family violence training program to include an examination of the factors that contribute to a family being at risk of domestic violence. By law, the branch provides this training to judges, Court Support Services Division personnel, guardians ad litem, and clerks.

As under current law, this training program covers policies and procedures on family relations matters, family violence prevention and response, the function of family violence intervention units, and restraining and protective orders.

As under current law, the branch may consult with domestic violence organizations on the training program.

§ 15 — VACATING PROSTITUTION CONVICTIONS

The bill alters eligibility for vacating prostitution convictions.

Current law allows anyone convicted of prostitution to apply to Superior Court to vacate the conviction because he or she was a victim of conduct that, at the time of the offense, amounts to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law.

Instead of tying eligibility to the person's status at the time of the prostitution crime as described above, the bill requires the person to show that his or her participation in the prostitution crime was because he or she was a victim of trafficking or the conduct described above.

By law, after receiving an application to vacate a prostitution conviction, the court must (1) give the prosecutor an opportunity to

investigate and contest the application and (2) vacate the judgment and dismiss the charge if the defendant proves he or she was a victim of the conduct.

BACKGROUND

Standing Criminal Protective Order

The law allows the court to issue one of these orders when:

1. someone is convicted of a family violence crime or certain other crimes against a family or household member and
2. the history, character, nature, and circumstances of the offender's conduct indicates that the order best serves the victim's and public's interests.

The court may issue an order for just cause after a person is convicted of another type of crime.

The court sets the order's duration and terms and can modify or revoke it for good cause (CGS § 53a-40e).

Related Bills

sHB 5052 (File 397), favorably reported by the Judiciary Committee, contains an identical provision requiring lodging operator record-keeping. It also contains similar, but not identical provisions, expanding the crimes of enticing a minor and trafficking in persons and allowing the court to impose a standing criminal restraining order against someone convicted of committing certain types of trafficking. The bill also increases the penalty for patronizing a prostitute under certain circumstances.

sHB 5623 (File 597), favorably reported by the Judiciary Committee, contains identical provisions on annual reports on trafficking activities, lodging recordkeeping, prohibiting someone age 16 or 17 from being convicted of prostitution, increasing the penalty for certain forms of patronizing a prostitute, posting trafficking notices, and forfeitures related to trafficking. It contains similar, but not identical, provisions

on the Trafficking in Persons Council, training program on suspected human trafficking, lodging employee training, and Judicial Branch training. It also contains provisions on serving civil restraining orders and terminating parental rights when a child is conceived as a result of a sexual assault.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/16/2016)