



General Assembly

Substitute Bill No. 5052

February Session, 2016

* _____HB05052JUD____031716_____*

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 Section 53a-90a of the general statutes is repealed and the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

3 (a) A person is guilty of enticing a minor when such person uses an
4 interactive computer service to knowingly persuade, induce, entice or
5 coerce any person (1) under sixteen years of age, or (2) whom the actor
6 reasonably believes to be under sixteen years of age, to engage in
7 prostitution or sexual activity for which the actor may be charged with
8 a criminal offense. For purposes of this section, "interactive computer
9 service" means any information service, system or access software
10 provider that provides or enables computer access by multiple users to
11 a computer server, including specifically a service or system that
12 provides access to the Internet and such systems operated or services
13 offered by libraries or educational institutions.

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

17 (2) Enticing a minor is a class B felony if the victim of the offense is
18 under thirteen years of age and any person found guilty of such class B

19 felony shall, for a first offense, be sentenced to a term of imprisonment
20 of which five years of the sentence imposed may not be suspended or
21 reduced by the court and, for any subsequent offense, be sentenced to
22 a term of imprisonment of which ten years of the sentence imposed
23 may not be suspended or reduced by the court.

24 Sec. 2. Section 53a-192a of the 2016 supplement to the general
25 statutes is repealed and the following is substituted in lieu thereof
26 (*Effective October 1, 2016*):

27 (a) A person is guilty of trafficking in persons when such person (1)
28 compels or induces another person to engage in conduct involving
29 more than one occurrence of sexual contact with one or more third
30 persons, or provide labor or services that such person has a legal right
31 to refrain from providing, by means of (A) the use of force against such
32 other person or a third person, or by the threat of use of force against
33 such other person or a third person, (B) fraud, or (C) coercion, as
34 provided in section 53a-192, or (2) compels or induces another person
35 who is under eighteen years of age to engage in conduct involving
36 [more than one occurrence] one or more occurrences of sexual contact
37 with one or more third persons that constitutes [(A) prostitution, or
38 (B)] sexual contact for which such third person may be charged with a
39 criminal offense. For the purposes of this subsection, "sexual contact"
40 means any contact with the intimate parts of another person.

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

42 Sec. 3. Section 53a-83 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2016*):

44 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant
45 to a prior understanding, he pays a fee to another person as
46 compensation for such person or a third person having engaged in
47 sexual conduct with him; or (2) he pays or agrees to pay a fee to
48 another person pursuant to an understanding that in return therefor
49 such person or a third person will engage in sexual conduct with him;

50 or (3) he solicits or requests another person to engage in sexual
51 conduct with him in return for a fee.

52 (b) Except as provided in [subsection] subsections (c) and (d) of this
53 section, patronizing a prostitute is a class A misdemeanor.

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

61 (d) Patronizing a trafficked minor is a class B felony if such person
62 knew or reasonably should have known at the time of the offense that
63 such minor (1) had not attained eighteen years of age, and (2) was the
64 victim of conduct of another person that constitutes (A) trafficking in
65 persons in violation of section 53a-192a, as amended by this act, or (B)
66 a criminal violation of 18 USC Chapter 77, as amended from time to
67 time.

68 Sec. 4. Subsection (a) of section 53a-40e of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective*
70 *October 1, 2016*):

71 (a) If any person is convicted of (1) a violation of subdivision (1) or
72 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,
73 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-
74 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b [,] or 53a-
75 183, subdivision (2) of subsection (a) of section 53a-192a, as amended
76 by this act, section 53a-223, 53a-223a or 53a-223b or attempt or
77 conspiracy to violate any of said sections or section 53a-54a, or (2) any
78 crime that the court determines constitutes a family violence crime, as
79 defined in section 46b-38a, or attempt or conspiracy to commit any
80 such crime, the court may, in addition to imposing the sentence

81 authorized for the crime under section 53a-35a or 53a-36, if the court is
82 of the opinion that the history and character and the nature and
83 circumstances of the criminal conduct of such offender indicate that a
84 standing criminal protective order will best serve the interest of the
85 victim and the public, issue a standing criminal protective order which
86 shall remain in effect for a duration specified by the court until
87 modified or revoked by the court for good cause shown. If any person
88 is convicted of any crime not specified in subdivision (1) or (2) of this
89 subsection, the court may, for good cause shown, issue a standing
90 criminal protective order pursuant to this subsection.

91 Sec. 5. (NEW) (*Effective October 1, 2016*) The operator of each hotel,
92 motel, inn or similar lodging shall maintain a record-keeping system of
93 all guest transactions and receipts. All records maintained pursuant to
94 this section shall be retained by the operator of such hotel, motel, inn
95 or similar lodging for not less than six months from the date of
96 creation of the record.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	53a-90a
Sec. 2	<i>October 1, 2016</i>	53a-192a
Sec. 3	<i>October 1, 2016</i>	53a-83
Sec. 4	<i>October 1, 2016</i>	53a-40e(a)
Sec. 5	<i>October 1, 2016</i>	New section

JUD *Joint Favorable Subst.*