



General Assembly

Substitute Bill No. 5621

February Session, 2016

* _____HB05621JUD____031716_____*

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2 statutes is repealed and the following is substituted in lieu thereof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 members, one
28 of whom shall represent Connecticut Sexual Assault Crisis Services,
29 Inc., one of whom shall represent victims of commercial exploitation of
30 children, and one of whom shall represent sex trafficking victims who
31 are children, the president pro tempore of the Senate shall appoint one
32 member who shall represent an organization that provides civil legal
33 services to low-income individuals, the speaker of the House of
34 Representatives shall appoint one member who shall represent the
35 Connecticut Coalition Against Domestic Violence, the majority leader
36 of the Senate shall appoint one member who shall represent an
37 organization that deals with behavioral health needs of women and
38 children, the majority leader of the House of Representatives shall
39 appoint one member who shall represent an organization that
40 advocates on social justice and human rights issues, the minority
41 leader of the Senate shall appoint one member who shall represent the
42 Connecticut Immigrant and Refugee Coalition, and the minority leader
43 of the House of Representatives shall appoint one member who shall
44 represent the Motor Transport Association of Connecticut, Inc.

45 (c) The chairperson of the Permanent Commission on the Status of
46 Women shall serve as chairperson of the council. The members of the
47 council shall serve without compensation but shall be reimbursed for
48 necessary expenses incurred in the performance of their duties.

49 (d) The council shall: (1) Hold meetings to provide updates and
50 progress reports, (2) [identify criteria for providing services to adult
51 trafficking victims, (3) identify criteria for providing services to
52 children of trafficking victims] coordinate the collection, analysis and

53 dissemination of data regarding human trafficking, and [(4)] (3)
54 consult with governmental and nongovernmental organizations in
55 developing recommendations to strengthen state and local efforts to
56 prevent trafficking, protect and assist victims of trafficking and
57 prosecute traffickers. The council shall meet at least three times per
58 year.

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

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

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

72 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than October 1,
73 2016, and annually thereafter, each state's attorney and each municipal
74 chief of police shall report, in accordance with the provisions of section
75 11-4a of the general statutes, to the joint standing committees of the
76 General Assembly having cognizance of matters relating to the
77 judiciary and children on: (1) All participation in federal, state-wide or
78 regional anti-human trafficking efforts, (2) the number of referrals
79 made relating to allegations of human trafficking, (3) the criteria used
80 when deciding whether to investigate allegations of human trafficking
81 or initiate criminal proceedings related to human trafficking, (4)
82 coordination of efforts between the Office of the Chief State's Attorney
83 and municipal police departments concerning human trafficking cases,
84 (5) the nature of annual training provided by each state's attorney and

85 municipal police department concerning human trafficking, (6)
86 obstacles to investigating human trafficking, (7) the number of
87 investigations involving missing children, (8) the number of referrals
88 from the Department of Children and Families relating to human
89 trafficking, and (9) the number of human trafficking cases referred for
90 prosecution.

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

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

103 Sec. 4. (NEW) (*Effective October 1, 2016*) The Commissioner of
104 Children and Families, in consultation with the Commissioner of
105 Emergency Services and Public Protection, shall develop an
106 educational training program and refresher training program for the
107 accurate and prompt identification and reporting of suspected human
108 trafficking. The training program shall include a video presentation,
109 developed and approved by said commissioners, that offers guidance
110 to employees of hotels, motels, inns and similar lodgings on the (1)
111 recognition of potential victims of human trafficking, and (2) activities
112 commonly associated with human trafficking.

113 Sec. 5. (NEW) (*Effective October 1, 2016*) (a) The operator of each
114 hotel, motel, inn or similar lodging shall ensure that each employee of
115 such hotel, motel, inn or similar lodging receive annual training on the
116 (1) recognition of potential victims of human trafficking, and (2)

117 activities commonly associated with human trafficking. On or before
118 October 1, 2017, and annually thereafter, the operator of each hotel,
119 motel, inn or similar lodging shall certify to the Department of
120 Children and Families that each employee of any such establishment
121 has received the annual training prescribed by this section.

122 (b) Any operator of a hotel, motel, inn or similar lodging who fails
123 to comply with the provisions of this section shall be guilty of a class A
124 misdemeanor.

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

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

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

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

140 [(d)] (c) Nothing in this section shall limit a person's right to assert
141 the defense of duress pursuant to section 53a-14 in any prosecution for
142 an offense under this section.

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

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

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

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

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

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

165 (a) A person is guilty of patronizing a prostitute from a motor
166 vehicle when he, while occupying a motor vehicle: (1) Pursuant to a
167 prior understanding, pays a fee to another person as compensation for
168 such person or a third person having engaged in sexual conduct with
169 him; or (2) pays or agrees to pay a fee to another person pursuant to an
170 understanding that in return therefor such person or a third person
171 will engage in sexual conduct with him; or (3) solicits or requests
172 another person to engage in sexual conduct with him in return for a
173 fee; or (4) engages in sexual conduct for which a fee was paid or agreed
174 to be paid.

175 (b) Patronizing a prostitute from a motor vehicle is a class A
176 misdemeanor and any person found guilty shall be fined two

177 thousand dollars.

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

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

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

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

200 Sec. 10. Section 54-234a of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective October 1, 2016*):

202 (a) [On and after the date a notice is developed and made available
203 pursuant to subsection (b) of section 54-222, each truck stop] The
204 operator of any publicly or privately operated highway service plaza,
205 any hotel, motel, inn or similar lodging or any business that sells or
206 offers for sale materials or promotes performances intended for an
207 adult-only audience and each person who holds an on-premises

208 consumption permit for the retail sale of alcoholic liquor pursuant to
209 title 30 shall post the notice developed pursuant to subsection (b) of
210 section 54-222 in plain view in a conspicuous location where sales are
211 to be carried on. [For the purposes of this section, "truck stop" means a
212 privately owned and operated facility where food, fuel, lawful
213 overnight truck parking and shower and laundry facilities are offered.]

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

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

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

229 (1) All moneys used, or intended for use, in a violation of
230 subdivision (3) of subsection (a) of section 53-21 or section [53a-82,]
231 53a-86, 53a-87, 53a-88, 53a-90a, as amended by this act, 53a-189a, 53a-
232 189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

233 (2) All property constituting the proceeds obtained, directly or
234 indirectly, from a violation of subdivision (3) of subsection (a) of
235 section 53-21 or section [53a-82,] 53a-86, 53a-87, 53a-88, 53a-90a, as
236 amended by this act, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b,
237 53a-196c or 53a-196i;

238 (3) All property derived from the proceeds obtained, directly or

239 indirectly, from a violation of subdivision (3) of subsection (a) of
 240 section 53-21 or section [53a-82,] 53a-86, 53a-87, 53a-88, 53a-90a, as
 241 amended by this act, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b,
 242 53a-196c or 53a-196i;

243 (4) All property used or intended for use, in any manner or part, to
 244 commit or facilitate the commission of a violation of subdivision (3) of
 245 subsection (a) of section 53-21 or section [53a-82] 53a-83, as amended
 246 by this act, 53a-83a, as amended by this act, 53a-86, 53a-87, 53a-88, 53a-
 247 90a, as amended by this act, 53a-189a, 53a-189b, 53a-192a, 53a-196a,
 248 53a-196b, 53a-196c or 53a-196i.

249 Sec. 12. (NEW) (*Effective October 1, 2016*) Any fine collected pursuant
 250 to subsection (b) of section 53a-83 of the general statutes, as amended
 251 by this act, and subsection (b) of section 53a-83a of the general statutes,
 252 as amended by this act, shall be used for the purposes of investigations
 253 conducted by the Division of State Police or a municipal police
 254 department, or both, of prostitution or human trafficking.

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>	New section

JUD *Joint Favorable Subst.*