



House of Representatives

General Assembly

File No. 397

February Session, 2016

Substitute House Bill No. 5052

House of Representatives, April 4, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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 Section 53a-90a of the general statutes is repealed and the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25 statutes is repealed and the following is substituted in lieu thereof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.*

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 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill strengthens the offense of patronizing a trafficked 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. However it should be noted there were 45 charges under this statute in FY 15, only one charge resulted in a conviction.

The Out Years

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

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis

sHB 5052

AN ACT STRENGTHENING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING.

SUMMARY:

This bill makes a number of changes regarding trafficking in persons and prostitution.

1. It expands the crime of enticing a minor to punish someone who uses an interactive computer service to entice another person believed to be under age 16 to engage in prostitution or illegal sexual activity. Currently, the person enticed must actually be under age 16.
2. It expands the trafficking in persons crime. Currently, one 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. It 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.
3. The bill increases the penalty for patronizing a prostitute to a class B felony when the victim is both under age 18 and a trafficking victim. Currently, it is a class C felony if the victim is either under age 18 or 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.

4. Lastly, the bill requires hotel, motel, inn, and similar lodging operators to maintain a record-keeping system of all guest transactions and receipts and retain the records for at least six months.

EFFECTIVE DATE: October 1, 2016

BACKGROUND

Penalty for Enticing a Minor

By law, this crime is a class D felony (punishable by up to five years in prison, a fine of up to \$5,000, or both) for a first offense, a class C felony for a second offense, and a class B felony for a subsequent offense. But it is a class B felony anytime 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.

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 5621, favorably reported by the Judiciary Committee, contains an identical provision on lodging record-keeping. It also (1) increases the Trafficking in Persons Council's membership and changes its mission; (2) requires reports on trafficking efforts; (3) requires lodging

operators to train their employees on trafficking; (4) prohibits someone age 16 or 17 from being convicted of prostitution; (5) expands the crime of enticing a minor and increases the penalty for patronizing a prostitute in some circumstances; (6) requires more people to post a notice about services for human trafficking victims; (7) changes the types of property subject to forfeiture as tainted funds and property related to sexual exploitation and human trafficking; and (8) imposes a mandatory \$2,000 fine as part of the penalty for the crimes of patronizing a prostitute and patronizing a prostitute from a motor vehicle and requires using money collected for these fines for police investigations.

sHB 5623, favorably reported by the Judiciary Committee, contains identical provisions expanding the trafficking in persons crime and requiring lodging record-keeping. It also contains the same provisions as sHB 5621 described above, except for the provision requiring use of funds collected under the \$2,000 fine for patronizing a prostitute and patronizing a prostitute from a motor vehicle for police investigations.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/16/2016)