



General Assembly

Amendment

February Session, 2016

LCO No. 5159



Offered by:

REP. TONG, 147th Dist.
SEN. COLEMAN, 2nd Dist.
REP. SIMMONS, 144th Dist.

To: Subst. House Bill No. 5621

File No. 425

Cal. No. 290

"AN ACT CONCERNING HUMAN TRAFFICKING."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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4 statutes is repealed and the following is substituted in lieu thereof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

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

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

14 of Social Services, or the commissioner's designee; (6) the
15 Commissioner of Public Health, or the commissioner's designee; (7) the
16 Commissioner of Mental Health and Addiction Services, or the
17 commissioner's designee; (8) the Commissioner of Children and
18 Families, or the commissioner's designee; (9) the Commissioner of
19 Consumer Protection, or the commissioner's designee; (10) the director
20 of the Basic Training Division of the Police Officer Standards and
21 Training Council, or the director's designee; (11) the Child Advocate,
22 or the Child Advocate's designee; [(10)] (12) the Victim Advocate, or
23 the Victim Advocate's designee; [(11)] (13) the chairperson of the
24 Permanent Commission on the Status of Women, or the chairperson's
25 designee; [(12)] (14) one representative of the Office of Victim Services
26 of the Judicial Branch appointed by the Chief Court Administrator;
27 [(13)] (15) a municipal police chief appointed by the Connecticut Police
28 Chiefs Association, or a designee; and [(14)] (16) nine public members
29 appointed as follows: The Governor shall appoint [three] two
30 members, [one of whom shall represent Connecticut Sexual Assault
31 Crisis Services, Inc.,] one of whom shall represent victims of
32 commercial exploitation of children [,] and one of whom shall
33 represent sex trafficking victims who are children, the president pro
34 tempore of the Senate shall appoint [one member who] two members,
35 one of whom shall represent the Connecticut Alliance to End Sexual
36 Violence and one of whom 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] two
39 members, one of whom shall represent the Connecticut Coalition
40 Against Domestic Violence and one of whom shall represent the
41 Connecticut Lodging Association, the majority leader of the Senate
42 shall appoint one member who shall represent an organization that
43 deals with behavioral health needs of women and children, the
44 majority leader of the House of Representatives shall appoint one
45 member who shall represent an organization that advocates on social
46 justice and human rights issues, the minority leader of the Senate shall
47 appoint one member who shall represent the Connecticut Immigrant
48 and Refugee Coalition, and the minority leader of the House of

49 Representatives shall appoint one member who shall represent the
50 Motor Transport Association of Connecticut, Inc.

51 (c) The chairperson of the Permanent Commission on the Status of
52 Women shall serve as chairperson of the council. The members of the
53 council shall serve without compensation but shall be reimbursed for
54 necessary expenses incurred in the performance of their duties.

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

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

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

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

78 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than October 1,
79 2016, and annually thereafter, each state's attorney and each municipal

80 chief of police shall report, in accordance with the provisions of section
81 11-4a of the general statutes, to the joint standing committees of the
82 General Assembly having cognizance of matters relating to the
83 judiciary and children on: (1) All participation in federal, state-wide or
84 regional anti-human trafficking efforts, (2) the number of referrals
85 made relating to allegations of human trafficking, (3) the criteria used
86 when deciding whether to investigate allegations of human trafficking
87 or initiate criminal proceedings related to human trafficking, (4)
88 coordination of efforts between the Office of the Chief State's Attorney
89 and municipal police departments concerning human trafficking cases,
90 (5) the nature of annual training provided by each state's attorney and
91 municipal police department concerning human trafficking, (6)
92 obstacles to investigating human trafficking, (7) the number of
93 investigations involving missing children, (8) the number of referrals
94 from the Department of Children and Families relating to human
95 trafficking, and (9) the number of human trafficking cases referred for
96 prosecution.

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

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

109 Sec. 4. (NEW) (*Effective October 1, 2016*) The Commissioner of
110 Children and Families and the Commissioner of Emergency Services
111 and Public Protection shall consult with state and national hotel and
112 lodging associations to recommend an educational training program

113 and refresher training program for the accurate and prompt
114 identification and reporting of suspected human trafficking. The
115 training program shall include a video presentation, developed and
116 approved by said commissioners, that offers guidance to employees of
117 hotels, motels, inns and similar lodgings on the (1) recognition of
118 potential victims of human trafficking, and (2) activities commonly
119 associated with human trafficking.

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

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

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

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

141 [(c) In any prosecution of a person sixteen or seventeen years of age
142 for an offense under this section, there shall be a presumption that the
143 actor was a victim of conduct by another person that constitutes (1) a
144 violation of section 53a-192a, or (2) a criminal violation of 18 USC

145 Chapter 77, as amended from time to time.]

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

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

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

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

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

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

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

172 (a) A person is guilty of patronizing a prostitute from a motor
173 vehicle when he, while occupying a motor vehicle: (1) Pursuant to a
174 prior understanding, pays a fee to another person as compensation for

175 such person or a third person having engaged in sexual conduct with
176 him; or (2) pays or agrees to pay a fee to another person pursuant to an
177 understanding that in return therefor such person or a third person
178 will engage in sexual conduct with him; or (3) solicits or requests
179 another person to engage in sexual conduct with him in return for a
180 fee; or (4) engages in sexual conduct for which a fee was paid or agreed
181 to be paid.

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

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

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

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

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

207 may not be suspended or reduced by the court.

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

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

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

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

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

237 (1) All moneys used, or intended for use, in a violation of

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

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

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

252 (4) All property used or intended for use, in any manner or part, to
253 commit or facilitate the commission of a violation of subdivision (3) of
254 subsection (a) of section 53-21 or section [53a-82] 53a-83, as amended
255 by this act, 53a-83a, as amended by this act, 53a-86, 53a-87, 53a-88, 53a-
256 90a, as amended by this act, 53a-189a, 53a-189b, 53a-192a, as amended
257 by this act, 53a-196a, 53a-196b, 53a-196c or 53a-196i.

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

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

270 [more than one occurrence] of sexual contact with one or more third
271 persons that constitutes [(A) prostitution, or (B)] sexual contact for
272 which such third person may be charged with a criminal offense. For
273 the purposes of this subsection, "sexual contact" means any contact
274 with the intimate parts of another person.

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

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

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

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

294 (a) If any person is convicted of (1) a violation of subdivision (1) or
295 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,
296 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-
297 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b [.] or 53a-
298 183, subdivision (2) of subsection (a) of section 53a-192a, as amended
299 by this act, section 53a-223, 53a-223a or 53a-223b or attempt or
300 conspiracy to violate any of said sections or section 53a-54a, or (2) any
301 crime that the court determines constitutes a family violence crime, as

302 defined in section 46b-38a, or attempt or conspiracy to commit any
303 such crime, the court may, in addition to imposing the sentence
304 authorized for the crime under section 53a-35a or 53a-36, if the court is
305 of the opinion that the history and character and the nature and
306 circumstances of the criminal conduct of such offender indicate that a
307 standing criminal protective order will best serve the interest of the
308 victim and the public, issue a standing criminal protective order which
309 shall remain in effect for a duration specified by the court until
310 modified or revoked by the court for good cause shown. If any person
311 is convicted of any crime not specified in subdivision (1) or (2) of this
312 subsection, the court may, for good cause shown, issue a standing
313 criminal protective order pursuant to this subsection.

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

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

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

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

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

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

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

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

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

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

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

364 Sec. 19. Section 53a-89 of the general statutes is repealed and the

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

366 (a) A person is guilty of permitting prostitution when, having
 367 possession or control of premises which he knows are being used for
 368 prostitution purposes, he fails to make reasonable effort to halt or
 369 abate such use.

370 (b) Permitting prostitution is a class A misdemeanor and any person
 371 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