

Connecticut Commission on  
Women, Children *and* Seniors



**Testimony before the Joint Committee on Judiciary of the General Assembly  
Presented by Steven Hernández, Executive Director  
Commission on Women, Children and Seniors  
March 26, 2018**

**Re: HB 5578, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry**

**HB 5571, An Act Concerning Human Trafficking**

Senator Doyle, Senator Kissel, Representative Tong, Vice Chairs, Ranking and other distinguished members of the Joint Committee on Judiciary: Thank you for the opportunity to provide testimony on behalf of the legislature's Commission on Women, Children and Seniors (CWCS) on the above referenced bill. My name is Steven Hernández, Executive Director, and I am joined by Jillian Gilchrest, the Commission's appointed chair to our Trafficking in Persons (TIP) Council.

**HB 5578, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to the Sexual Offender Registry**

The Commission supports HB 5578, which would incorporate the recommendations of the Connecticut Sentencing Commission with respect to the sexual offender registry. The recommendations include the creation of a tiered risk assessment regime for evaluating individuals convicted of a sexual offense for placement on the sexual offender registry.

According to the Sentencing Commission's report, under this proposal, the categories of sex offenders who must register with the Department of Emergency Services and Public Protection (DESPP) based on the crime for which they were convicted remain the same. However, the length of time the offender remains on the registry, and whether it is a public registry or a law enforcement-only registry, will be determined through a risk assessment conducted by a newly-formed Sexual Offender Registration Board.

We fully support the Sentencing Commission's goal of preserving public safety by evaluating each offenders risk of reoffending, reducing technical violations of probation and parole supervision, and improving coordination between treatment providers in correctional facilities and the community. Allowing low-risk individuals who work with treatment providers and community agencies access to the educational, workforce and housing supports they need is critical to establishing a path to productivity.

That said, the Commission on Women, Children and Seniors is hopeful that the Sexual Offender Registration Board will err on the side of child and community safety when determining the risk assessment of an individual convicted of a sexual offense. Although many may argue that the

recidivism rate is “low” (3.6-8%)<sup>i</sup>, we cannot afford that even one child be placed at risk. In fact, our existing “low” rate of recidivism may be the result, in part, of the comprehensive system we currently have in place, with employers having free and ready access to check the public registry before a hiring determination is made in jobs where employees have direct contact with children (i.e. volunteers, summer camp workers, bus drivers, Boys and Girls Scouts, and other not-for-profit and faith based organizations, etc.).

As we move forward, we would like to continue to work with the legislature, field experts, the State Department of Education, and community agencies to enhance education and awareness on current law regarding sexual offenses (i.e. sexting and child pornography), sexual assault and abuse prevention, and increased training for parents, community leaders, and educators – both professional and paraprofessional.

### **HB 5571, An Act Concerning Human Trafficking**

I also thank you for the opportunity to provide testimony on behalf of the Commission on Women, Children and Seniors (CWCS) on HB 5571, An Act Concerning Human Trafficking. Under state statute the CWCS convenes and administers the Connecticut General Assembly’s Trafficking in Persons (TIP) Council, which is chaired by Jillian Gilchrest, the CWCS designee.

The TIP Council is comprised of statutorily required members from various disciplines including state agencies, law enforcement, the judicial branch, lodging industry, and advocates, who meet regularly throughout the year to discuss ways for Connecticut to better address and respond to human trafficking. The TIP Council is required to release an Annual Report to the Connecticut General Assembly with policy recommendations.

Many of the TIP Council 2017 policy recommendations are reflected in HB 5571, including;

- Section 1, to add the Chair of the TIP Council to the Criminal Justice Policy Advisory Commission,
- Section 2, to add additional members to the TIP Council,
- Section 3 & 8, to revise and consolidate human trafficking training requirements, and
- Section 7, to include sex trafficking as registrable offense on the sex offender registry.

Thank you for including these recommendations in HB 5571, all of which were discussed at length with members of the TIP Council and voted on.

Sections 4 and 5 of HB 5571 are not a recommendation of the TIP Council. We have researched hotel hourly rates in previous years and determined that as a state policy it would not solve the problem it seeks to address. As for Section 5, which requires hotels to establish personal identity before offering a room, I question if this proposal is significantly different than the law that was passed in 2017, which requires hotels to maintain records for 5 years. The TIP Council has not had time to discuss Section 5. We have a meeting scheduled for Thursday, April 19th and are happy to discuss then and provide feedback to the Connecticut General Assembly.

For the rest of my testimony I would like to focus on Section 6, Connecticut’s definition of human trafficking. Updating Connecticut’s definition of human trafficking to align with the federal definition has been a conversation at the TIP Council for some time as we learn more about the crime of human trafficking and seek to address barriers. The Connecticut General

Assembly has voted twice in recent years to strengthen Connecticut's human trafficking felony charge in order to move us closer to the federal definition. Since making the first change to Connecticut's definition of human trafficking in 2016, our state has increased the number of convictions for this crime from 0 to 4.

As you will hear from the Department of Children and Families, they are averaging more than 200 children identified as victims of domestic minor sex trafficking each year. Our conviction rates obviously don't reflect the frequency with which this crime takes place in Connecticut. One major reason for this discrepancy is Connecticut's definition of human trafficking. The TIP Council recommends explicitly listing those who patronize or solicit someone under the age of 18 in Connecticut's definition of human trafficking. If someone in Connecticut *knowingly* pays, or exchanges something of value with a child for sex, they are committing human trafficking according to federal law. Connecticut law should reflect the same. Aligning Connecticut law with federal law addresses the following barriers; identifying victims of domestic minor sex trafficking and having victims access services, clearing up the misunderstanding between how Connecticut law enforcement and the Department of Children and Families define human trafficking, and increasing Connecticut's competitiveness for federal funding to support victims services and law enforcement efforts.

The TIP Council formed a subcommittee to research model language to recommend to Connecticut lawmakers. The subcommittee included our partners from law enforcement, the Chief State's Attorney's Office, the Public Defender's Office, Love 146, The Connecticut Children's Alliance, and the Department of Children and Families. We met on two separate occasions, reviewed policies in other states, and received technical assistance from Shared Hope International, a national anti-human trafficking organization. The language we agreed to and voted on as a Council is not included in Section 6 of HB 5571.

We urge the Judiciary Committee to amend HB 5571 to include the language recommended by the Trafficking in Persons Council which is included at the end of this testimony. I am happy to answer any questions you may have. Thank you for your commitment to this issue.

Section 53a-192a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) A person is guilty of trafficking in persons when such person knowingly (1) compels or induces another person to engage in conduct involving sexual contact with one or more third persons, or provide labor or services that such person has a legal right to refrain from providing, by means of (A) the use of force against such other person or a third person, or by the threat of use of force against such other person or a third person, (B) fraud, or (C) coercion, as provided in section 53a-192, (2) compels [or] induces, patronizes or solicits another person who is under eighteen years of age to engage in conduct involving sexual contact with the person or one or more third persons [that constitutes sexual contact for which such third person may be charged with a criminal offense], or (3) otherwise commits an act that constitutes sex trafficking. For the purposes of this subsection, "sexual contact" means any contact with the intimate parts of another person, and "sex trafficking" means the recruitment, harboring, transportation or provision of a person for the purpose of engaging in sexual conduct with another person for [a fee] anything of value.

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<sup>i</sup> State of Connecticut Office of Policy and Management (2012). Recidivism among sex offenders in Connecticut. Retrieved from: [http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/recidivismstudy/sex\\_offender\\_recidivism\\_2012\\_final.pdf](http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/recidivismstudy/sex_offender_recidivism_2012_final.pdf)