



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

H.B. No. 7399 (RAISED) AN ACT CONCERNING LEGAL PROTECTIONS FOR THE VICTIMS OF HUMAN TRAFFICKING AND THE PROTECTION OF MINORS FROM CYBER EXPLOITATION.

JOINT COMMITTEE ON JUDICIARY
April 1, 2019

The Division of Criminal Justice is committed to protecting minors and all victims of human trafficking. In this regard, the Division takes an active role on the Trafficking in Persons Council formulating both policy and legislative recommendations. The Division also is actively involved in the investigation and prosecution of trafficking cases both on the state level and in collaboration with the United States Attorney for the District of Connecticut.

The Division opposes Section 9 of H.B. No. H.B. No. 7399, An Act Concerning Legal Protections for the Victims of Human Trafficking and the Protection of Minors from Cyber Exploitation. Division representatives have had numerous discussions with representatives from the Office of the Chief Public Defender and Love146 to try to collaborate on the issues presented. However, it should be noted that the bill as drafted differs significantly in some respects from previous drafts submitted to us from these agencies.

Section 9 of the bill would create an affirmative defense at trial as to any and all offenses "under title 53a of the general statutes," including assaults with a deadly weapon, armed robberies and even homicide. This section is much too far-reaching in its scope. While some states afford protection to trafficked persons for minor misdemeanor offenses, this section goes well beyond that of any other jurisdiction.

This section has the real potential to produce unintended consequences. For example, as now written a trafficking victim could present an affirmative defense in a vehicular homicide case where an innocent family is killed, if the minor was driving to meet either the trafficker or a buyer; i.e., someone attempting to purchase sex from the trafficked person. Such a result is untenable and clearly would not serve the interests of justice.

In addition, the existing defense of duress under section 53a-14 is available in situations where the minor was threatened or coerced by the trafficker to engage in criminal conduct.

The Division continues to be willing to work toward a solution to the problem of minors who may find themselves potentially facing criminal charges that sometimes arise from being trafficked. However, Section 9 as now drafted is not the answer to that problem. The Division would respectfully recommend the Committee delete Section 9 from H.B. No. 7399 should you decide to proceed with the bill. We thank the Committee for affording this opportunity to provide input on this matter and would be happy to provide any additional information the Committee might require or to answer any questions that you might have.