



**Testimony in Support of HB 7399**  
**An Act Concerning Legal Protections for the Victims of Human Trafficking and the Protection**  
**of Minors from Cyber Exploitation**  
**Erin Williamson, LCSW, MPA, U.S. Programs Director**  
**Judiciary Committee, April 1<sup>st</sup>, 2019**

Good morning Senator Winfield, Representative Stafstrom, Senator Bergstein, Representative Blumenthal, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee. My name is Erin Williamson, and I have the privilege to serve as the U.S. Programs Director at Love146, an international anti-trafficking agency. Since joining Love146 in 2014, I have led the development, implementation, and operation of Love146's Connecticut Survivor Care Program, which has provided direct services to over 450 youth who are suspected and confirmed victims of child sex trafficking.

I would like to testify in support of HB 7399, An Act Concerning Legal Protections for the Victims of Human Trafficking and the Protection of Minors from Cyber Exploitation.

The children we work with have experienced significant trauma and present with complex needs. In order to effectively identify and meet the needs of this population, it is critical for children to be able to speak openly about the facts, memories, thoughts, and feelings associated with their victimization without fear that the information they share could be subpoenaed and shared publicly. The mere possibility of disclosure has already resulted in children being denied our services. This bill will help protect the children we work with by:

- Supporting children who have been trafficking so they can speak openly to trained service providers without fear that the information they share could be used against them or shared in a court proceeding;
- Clarifying that the state can offer immunity to minors in delinquency proceedings, which is critical for trafficked children who may have been involved in criminal conduct but also have information wanted by the state (e.g., information on their trafficker);
- Enabling individuals to use their trafficking victimization as a viable defense in court if they are charged with a crime and their involvement in the crime was a result of them being a victim of human trafficking; and
- Expanding the definition of commercial sexual abuse under the law to include online (internet-based) exploitation, a form of exploitation regularly experienced by the youth in our care.

Over the last two years, Love146 has worked with various members of the Trafficking In Persons (TIP) Counsel to draft language to provide these protections to child victims of trafficking. As a result of these collaborative efforts, we believe that the protections provided for child anti-trafficking counselors should be done through a separate statute. I have attached the language drafted as a result of these efforts and would recommend that this language is substituted for the language that currently exists in HB 7399 Section 2. Love146 also remains committed to continuing to work on the bill with the Office of Chief Public Defender, the Chief State's Attorney's Office, and all other key stakeholders who are involved through the TIP Counsel so that the bill can make it out of committee.

Love146 hopes that the Committee will see the importance of strengthening the legislative protection for victims of human trafficking and the unique dynamics associated with this victimization and join us in supporting HB 7399 with the suggested substituted language. Thank you for your time and consideration.

## **Confidentiality for Child Anti-Trafficking Counselors. (NEW) (Effective October 1, 2019)**

(1) "Child anti-trafficking agency" means any office, shelter, or agency offering assistance to victims of child trafficking through crisis intervention, advocacy, and counseling, which meets the Department of Children and Families criteria of service provision for such agencies.

(2) "Child anti-trafficking counselor" means any person engaged in a child anti-trafficking agency (A) who has undergone a minimum of forty hours of training which shall include, but not be limited to, the dynamics of human trafficking, crisis intervention, child and adolescent brain development, working with diverse populations, an overview of the state criminal justice system and information about state and community resources for victims of child trafficking, (B) who is certified as a counselor by the child anti-trafficking agency that provided such training, (C) who is under the control of a direct service supervisor of a child anti-trafficking agency, and (D) whose primary purpose is the rendering of advice, counsel and assistance to victims of child trafficking to address a mental, physical or emotional condition caused by human trafficking, and to provide advocacy to the cause of child trafficking.

(3) "Confidential communication" means information transmitted between a victim of child trafficking and a child anti-trafficking counselor in the course of that relationship and in confidence by a means which, so far as the victim is aware, does not disclose the information to a third person other than any person who is present to further the interests of the victim in the consultation or any person to whom disclosure is reasonably necessary for the transmission of the information or for the accomplishment of the purposes for which such counselor is consulted, and includes all information received by, and any advice, report or working paper given or made by, such counselor in the course of the relationship with the victim.

(4) "Victim of child trafficking" means any person subjected to trafficking in persons as defined under Conn. Gen. Stat. § 53a-192a (a) or is a victim of trafficking as defined in the Trafficking Victims Protection Act, 22 U.S.C. § 7802."

## **Disclosure of Confidential Communication. (NEW) (Effective October 1, 2019)**

A child anti-trafficking counselor shall not disclose any confidential communications made to such counselor at any time by a victim in any civil or criminal case or proceeding or in any legislative or administrative proceeding except as to counsel of record for a victim of child trafficking in a juvenile delinquency or criminal prosecution in the adult court unless as required by law. The provision of documents to the counsel of record for a victim of child trafficking does not negate the confidentiality outlined in this section."

"The failure of any party to testify as a witness pursuant to the provisions of this section shall not result in an inference unfavorable to the state's cause or to the cause of the defendant."