

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-6657

Title: AN ACT CONCERNING HUMAN TRAFFICKING.

Vote Date: 3/29/2021

Vote Action: Joint Favorable

PH Date: 3/24/2021

File No.: 479

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The bill redefines “sex trafficking” and extends vacatur relief to all victims of human trafficking. The current vacatur law only allows victims to apply for the erasure of convictions related to prostitution. This bill would extend the law to address victims with other convictions. The bill also adjusts the membership in the Trafficking in Persons Council to include members from affected industries, such as massage therapists, and experts to provide recommendations for the legislature. The bill also allows for testimony in the case of a delinquency proceeding to be compelled and establishes an affirmative defense for trafficking in persons for victims of trafficking. Lastly, the bill modifies the crimes of patronizing a prostitute and commercial sex abuse of a minor and changes the required frequency of a refresher course to develop awareness for human trafficking in particular professions. The Criminal Record Relief for Trafficking Survivors Report Card, published by the Polaris Project, recently scored Connecticut with an “F” for laws and legal practices aimed at victims of human trafficking. This bill is believed to improve Connecticut’s standing and create policies to protect and recognize victims of human trafficking.

RESPONSE FROM ADMINISTRATION/AGENCY:

State of Connecticut Division of Public Defender Services, Legal Counsel, Office of Chief Public Defender, Deborah Del Prete Sullivan: The Office of Chief Public Defender, as a member of the Trafficking in Persons Council is supportive of the Council's work to protect minor victims of trafficking. The office supports the vacatur section 7 & appreciates the dedication of the CBA's Committee on Human Trafficking and Quinnipiac University School of Law, specifically Professor Sheila N. Hayre and Cynthia J. Lill in regard to the vacatur language. While the language of Section 7 is broader than originally agreed upon by stakeholders, this office supports this important step in assisting trafficking victims to clear their criminal records and embark on the road to re-entry and recovery from the abuse inflicted upon them.

State of Connecticut Division of Criminal Justice: supports Sections 1 through 6. DCJ recommends Section 7 be amended to reflect the language approved by the Trafficking in Persons Council. The language voted on by the Council would not include A and B felonies

as eligible for vacating to protect trafficking victims from violent situations. Victims of trafficking with an A or B felony may seek recourse through a sentence modification or a pardon.

State of Connecticut, Department of Children and Families, Commissioner, Vanessa Dorantes: states this legislation will strengthen Connecticut's existing human trafficking laws and provide awareness and support for victims of trafficking.

State of Connecticut Judicial Branch, External Affairs Division: takes no position on the bill and requests two changes in Section 7: "First, the proposed language in Section 7(b) would require the Office of Victim Services (OVS) to perform actions outside of its statutory responsibilities. Currently, OVS provides services to victims who have endured a personal injury. The language as proposed would require OVS to serve victims outside of this scope. Additionally, the Branch requests a change to Section 7(c) to clarify when charges must be dismissed."

NATURE AND SOURCES OF SUPPORT:

Connecticut General Assembly, State Senator, Catherine Osten: supports this bill but states the legislature should consider the places that permit trafficking to occur, such as hotels or similar accommodations at an hourly rate. Her proposed legislation (S.B. 518) would have barred hotels, motels and similar accommodations from offering an hourly rate for sleeping accommodations.

The Connecticut Chapter of the American Immigration Lawyers Association (CT AILA): Supports this bill because it allows trafficking victims with convictions for a range of offenses besides just prostitution to apply for vacatur when they can show their convictions resulted from being trafficked. In the United States, a disproportionate percentage of trafficking victims are immigrants, and mostly immigrant women. Many are especially vulnerable to trafficking, as they lack educational and economic resources, family support networks, ability to speak English, and understanding of the U.S. and state legal protections. Being convicted of a criminal offense adds to the difficulties they already face, isolating them further and forestalling their ability to thrive and contribute to American society. Trafficking survivors with criminal convictions find it difficult, if not impossible, to find jobs and affordable housing.

The Legal Aid Society Criminal Defense, Sharifa Abdullah: supports this bill as a trafficking survivor. She believes that this bill is crucial to rehabilitate survivors of human trafficking by allowing them to clear all criminal records related to their trafficking.

Connecticut Legal Services, Attorney, Wesleigh Anderson: supports this bill to expand the current law to victims of human trafficking without a prostitution or drug charge. In his experience representing trafficking survivors, Anderson notes that part of the victimization involves forcing victims to participate in criminal activity, often beyond prostitution.

Connecticut Coalition Against Domestic Violence, Director of Public Policy and Communications, Liza Andrews: supports this bill and states that the bill's clarification in Sections 4 and 5 will bring Connecticut's definition of human trafficking into line with the federal definition and address the reality of human trafficking.

Quinnipiac Civil Justice Clinic, Expanding CT's Vacatur Law: The Civil Justice Clinic offered a well-substantiated position paper including resources & FAQ's explaining the current law and the rationale to support the changes in the bill. The clinic offered a proposed amendment allowing trafficking survivors to request vacatur for crimes other than prostitution. Notably, the Court would retain discretion to deny any request, even where it has been shown that the crime occurred as a result of trafficking. The proposal preserves existing procedures for prosecutorial notification and input, but adds a provision mandating victim notification and requiring the Court to consider victim input. The amendment would provide victims with the opportunity to regain their freedom after victimization.

YWCA Greenwich, Director of Women's Empowerment and Racial Justice of the YWCA Greenwich, Erin O. Crosby: supports this bill to expand vacatur eligibility to all human trafficking victims.

National Lawyers Guild, Quinnipiac School of Law Chapter, Co-President, Hope Estrella: supports the expansion of Connecticut's current law. She believes that this proposal will promote justice, support the rehabilitation of victims the bill has multi-stakeholder support.

Quinnipiac University, Adjunct Faculty, Anne M. Harrigan: states that the changes proposed by the bill will allow those who work with victims of trafficking to use the law and systems to address victims' traumas, rebuild their lives, and become contributing members of our communities.

Shipman and Goodwin, Partner, Retired Associate Justice Connecticut Supreme Court and Former DCF Commissioner, Joette Katz: supports this bill to expand the opportunity for relief for victims of human trafficking. She believes that the passage of this bill will strengthen the integrity of Connecticut's judicial system.

The Legal Aid Society Criminal Defense, Supervising Attorney, Leigh Latimer: supports the expansion of Connecticut's vacatur law to change the lives of trafficking survivors. They encourage the bill's passage expanding Connecticut's vacatur statute. This will be life-changing for trafficking survivors who bear the burden of a criminal record for acts they were forced and compelled to engage in and for the ability to rebuild their lives

Grace Farms Foundation, Justice Initiative, General Counsel and Senior Advisor, Alina Reynolds: supports the amended vacatur language in this bill to protect victims of human trafficking. Trafficking victims and survivors who find themselves saddled by criminal convictions deserve criminal justice relief & the best chance possible at rebuilding their lives after suffering the abuses of trafficking. Expanding the vacatur language to include crimes other than prostitution is a meaningful step towards advancing the successful reentry of victims in our communities.

Connecticut Criminal Defense Lawyers Association, President, Frank J. Riccio II: supports this bill and appreciates its inclusion into the Trafficking in Persons Council. It is clear that children who are affected by trafficking should be provided additional rights and the courts should treat them in such a fashion.

Prohealth Physicians, Practicing Family Physician, Dr. Ivelisse Rivera-Godreau: supports this bill to expand the current vacatur law and addresses the development of Complex Post-traumatic Stress Disorder for victims of human trafficking.

The following are members from the Human Trafficking Prevention Project at the Quinnipiac School of Law who provided testimony in support of this bill, highlighting the new vacatur law to change the lives of victims of human trafficking and foster an understanding that their actions are often not a choice:

Executive Chairwoman, Cynthia Lill
Training Co-Chair, Kaylyn Fagan
Trainer, Gabrielle Anastasio

The following are members from the American Massage Therapy Association-Connecticut Chapter and provided testimony in support of this bill. The American Massage Therapy Assoc. requests a member of their organization be included in the membership of the Trafficking in Persons Council.

Government Relations Chair, Nicole Arel
Representative, Rebecca Torns-Barker
Volunteer, Scott Raymond

The following advocacy organizations provided testimony in support of this bill, stating that passage will help Connecticut protect its children, end the stigma associated with human trafficking and provide the resources to help victims of human trafficking rebuild their lives.

Center for Children's Advocacy, Executive Director, Martha Stone
Connecticut Children's Alliance Inc., Executive Director, Krystal Rich, MSW
Love146, Vice President of Global Programs and Strategy, Erin Williamson, LCSW, MPA
Partnership to End Human Trafficking (PEHT), Executive Director, Jamie Manirakiza
The Center for Family Justice, Director of Legal & Court Advocacy Services, Angela Schlingheyde, JD
The Underground: Lighting a Way to Freedom, Chief Executive Officer and Founder, Annmarie Boulay
The Village for Families & Children, Associate Vice President of Programs and Advocacy, Yvette Young
Women's Center of Greater Danbury, Advocate, Jean Hartnett
Women's Center of Greater Danbury, Legislative Liaison, Human Trafficking Specialist and Manager of Campus Education, Training & Outreach, Cara Mackler

The following speakers provided testimony in support of this bill and stated support for language that would provide children who are victims of human trafficking with the legal options to acknowledge that they are victims. Further support was stated for language that would recognize that human trafficking typically involves exchanges beyond money.

Ashford, CT, Resident, Sharon Punty
Barkhamsted, CT, Resident, Nancy Strini
Beacon Falls, CT, Resident, Don Ellis
Bethany, CT, Resident, Teresa Macri-Merriam

Bloomfield, CT, Resident, Allison Fennell
Branford, CT, Resident, Ashley Kamal
Bridgeport, CT, Resident, Felicia Ingram
Coventry, CT, Resident, Elicia Ladyga
Coventry, CT, Resident, Katie Rocco Brown
Danbury, CT, Resident, Jennifer Franz
East Hampton, CT, Resident, Evelyn Sehl
East Hampton, CT, Resident, Suzanne Sadler
East Hartford, CT, Resident, Madisyn Vera
East Hartford, CT, Resident, Randy Hamilton
Fairfield, CT, Resident, Julie Xistris
Fairfield, CT, Resident, Kimberly Martin
Fairfield, CT, Resident, Walter "Bo" Beatty
Guilford, CT, Resident, Diane Fernald
Hamden, CT, Resident, Amanda Levitt
Hamden, CT, Resident, Marilyn Murray
Hamden, CT, Resident, Rob Morris
Higganum, CT, Resident, Heather Pascucci
Lakeville, CT, Resident, Mary T. Davis
Madison, CT, Resident, Sheri Pasqualoni
Mansfield Center, CT, Resident, Christine Ingraham
Mansfield, CT, Resident, Verity Klassen
Mansfield, CT, Residents, Lawrence & Gail Ash-Morgan
Meriden, CT, Resident, Juan H. Matias-Muniz
Middletown, CT, Resident, Walter Ray Bodine, Jr.
Midlothian, VA, Resident, Dennis Robbins
Milford Resident, Laura Mutrie
Milford, CT, Resident, Lauren Feige
Milford, CT, Resident, Maureen Broatch
New Britain, CT, Resident, Miranda Morel
New Haven, CT, Resident, Kitty Clemens
New Haven, CT, Resident, Marisa Kalt
New Haven, CT, Resident, Mark Vincent
Newington, CT, Resident, Amber Knowles
Newington, CT, Resident, David Tedeschi
Newington, CT, Resident, Diane Krause
North Haven, CT, Resident, Olga Thompson
Northford, CT, Resident, Rachel Leja
Norwalk, CT, Resident, Shamese Shular
Old Lyme, CT, Resident, Jodi Lott
Plantsville, CT, Resident, Matthew Cucolo
Rocky Hill, CT, Resident, Alice Goodrich
Rocky Hill, CT, Resident, Barbara Pearce
Rocky Hill, CT, Resident, Savannah Cronin
Seymour, CT, Resident, Lukasz Borowski
Shelton, CT, Resident, Heather Lucas
Shelton, CT, Resident, Robin Smelter
Simsbury, CT, Resident, Denise Adessa
South Windsor, CT, Resident, Kathleen Fallon Pasakarnis

Southbury, CT, Resident, Rob Fallon
Southington, CT, Resident, Elizabeth Hagen
Stamford, CT, Resident, Jennifer Sagastume
Torrington, CT, Resident, Indika Perera
Vernon, CT, Resident, Roberta Senter LCSW
Wallingford, CT, Resident, James Pluff
West Hartford, CT, Resident, Kris Allen
West Hartford, CT, Resident, Renee Margolis
Westbury, NY, Resident, Caroline Hahm
Westport, CT, Resident, Theresa J.
Wethersfield, CT, Resident, Helen-Marie Phelan
Wethersfield, CT, Resident, Jean Mazarella
Wethersfield, CT, Resident, Jeanne Devin
Wethersfield, CT, Resident, Keri Llyod
Willington, CT, Resident, Daryl Lucas
Windsor Locks, CT, Resident, Lisa Jameson
Windsor, CT, Resident, Jermika Cost
Windsor, CT Resident, Keith MacDougall
Nichelle Joyner
Barbara McKinney

NATURE AND SOURCES OF OPPOSITION:

Licensed Massage Therapist and Business Owner, Pawcatuck Resident, Jacqueline Nichols-Holder: does not state support nor opposition but suggests an additional section to the bill that requires massage parlors to be regulated by the state. She addresses the uncomfortable and dangerous situations that her and her daughter have found themselves in due to the stigma related to the profession.

Reported by: Kasey Schempf

Date: April 10, 2021