



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

REGARDING:

H.B. No. 6657 (RAISED) AN ACT CONCERNING HUMAN TRAFFICKING.

JOINT COMMITTEE ON JUDICIARY
March 24, 2021

The Division of Criminal Justice is supportive, in large part, of H.B. 6657, An Act Concerning Human Trafficking. The Division strongly supports Sections 1 through 6 of the bill. However, the Division respectfully recommends the Committee amend Section 7 to represent the language that was unanimously approved by the Trafficking in Persons (TIP) Council.

As background, the TIP Council consists of members from diverse backgrounds, including representatives from state agencies, the judicial branch, law enforcement, motor transport, and community based organizations that work with victims of sexual and domestic violence, immigrants, and refugees, and address behavioral health needs, social justice, and human rights.

The Division is a member of the Council and has been involved with the expansion/revision to the vacatur statute contained within Section 7. When this bill was voted on, *unanimously*, by the Council, Section 7(a) read as follows:

(a) At any time after a court enters a judgment of conviction **[is entered pursuant to section 53a-82,]** for any misdemeanor offense or a class C, D or E felony or any unclassified felony offense carrying a term of imprisonment of not more than ten years, the defendant may apply to the Superior Court to vacate **[any]** such judgment of conviction on the basis that his or her participation in the offense was a result of having been a victim of conduct of another person that constitutes (1) trafficking in persons under section 53a-192a, as amended by this act, or (2) a criminal violation of 18 USC Chapter 77, as amended from time to time.

The Division maintains its strong support for this language, and would even support the inclusion of convictions for trafficking under § 53a-192a – a class A felony – since victims of trafficking often times become recruiters for their traffickers. The Division does not, however, support the blanket inclusion of class A and B felonies.

The change to the language in subsection (a) to include all A and B felonies as eligible for vacating would send the wrong message to traffickers and put trafficking victims at greater risk of being placed in violent situations. With the knowledge that the trafficking victim can commit the crime, be found guilty, and apply to have the conviction vacated based solely on their testimony, traffickers will likely use their victims to commit serious and violent crimes even more than they are currently.

It is important to note that the language voted on by the TIP Council would not prohibit a victim of trafficking from seeking recourse if convicted of a class A or B felony. In those instances, the victim may seek a sentence modification and/or a pardon. Moreover, a victim of trafficking always could raise a defense based upon their status as a victim. Class A and B felonies represent the most serious offenses in the Connecticut penal code and, often times, are centered on a loss of life or significant physical injury. To allow defendants that do not raise their victimization as a defense at trial, who are convicted by a jury, to then seek to have that A or B felony conviction vacated would not be just to the integrity of the criminal justice system. Perhaps even more, it would be unfair to the victim of that crime and their family. The elimination of liability and responsibility for criminal behavior must be carefully considered on a case by case basis with the reality that there are some crimes that are so serious that they simply cannot be vacated and dismissed.

In conclusion, the Division of Criminal Justice supports H.B. 6657 and respectfully recommends the Committee vote to Joint Favorable Substitute H.B. 6657 with language reflective of that which was unanimously voted on by the TIP Council after significant discussion and deliberation. 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.