

Human Trafficking Laws

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Issue

Compare Connecticut, federal, and other states human trafficking laws.

Summary

Human trafficking describes a wide range of activities involving the exploitation of a person for profit using physical and psychological methods of power and control to force that person to perform commercial sex acts, work under illegal conditions, or both. Trafficking is a crime under federal law and in all the states.

The federal government and most states (including Connecticut) follow the “3P” human trafficking eradication strategy which consists of prevention, prosecution, and protection.

This report provides (1) a brief description of the 3P strategy, (2) an overview of the primary federal human trafficking provisions, (3) a description of the major provisions of Connecticut’s law, and (4) examples of provisions in other states’ laws that vary from Connecticut laws.

3P Strategy

The prevention aspect of human trafficking laws generally includes increasing public awareness of the signs of trafficking and increasing collaboration and communication among state and local government agencies and victim services organizations.

Prosecuting traffickers is closely aligned with the effort to prevent human trafficking. Under federal and state laws, human trafficking-related offenses generally carry a penalty that includes imprisonment with enhanced penalties when the victim is a minor.

Protection-related laws generally address the issues of victim rescue, rehabilitation, and reintegration.

Federal Laws and Initiatives

In 2000, the United States passed its first comprehensive federal law to address human trafficking, the Trafficking Victims Protection Act (TVPA) which provided the three-pronged approach that states later modeled. Congress reauthorized the TVPA in 2003, 2005, 2008, and 2013.

Additionally, in 2014 Congress passed the Preventing Sex Trafficking and Strengthening Families Act, which addressed protection of children and youth at risk of sex trafficking; and in 2015 it passed the Justice for Victims of Trafficking Act (JVTA), which provides restitution for human trafficking victims. Although there have been other federal initiatives on this topic, these are the major pieces of federal legislation that address domestic human trafficking.

Finally, the federal government also funds a national human trafficking hotline.

The Trafficking Victims Protection Act of 2000 (TVPA)

The TVPA and its subsequent reauthorizations define “severe forms of trafficking in person” (i.e., human trafficking) as:

1. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act is under age 18; or
2. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery ([22 U.S.C. § 7102\(11\)](#)).

A victim does not need to be physically transported from one location to another for the crime to fall within this definition.

The initial TVPA ([PL 106-386](#)) focused significantly on international human trafficking and addressed domestic efforts to prevent the crime of human trafficking, prosecute the offenders, and protect the survivors.

Prevention. Along with various initiatives to combat international trafficking, the TVPA established an [Interagency Task Force to Monitor and Combat Trafficking](#) to, among other things, measure and evaluate the United States and other countries efforts to eradicate the crime.

Prosecution. The TVPA expanded federal prosecutors' capacity to prosecute human traffickers by:

1. prohibiting forced labor; trafficking with respect to peonage, slavery, involuntary servitude, or forced labor; and sex trafficking of children by force, fraud, or coercion;
2. criminalizing attempts to engage in these activities;
3. mandating that traffickers pay restitution to their victims;
4. providing for forfeiture of assets; and
5. strengthening penalties for existing trafficking crimes.

Protection. The TVPA provided increased protections for foreign trafficking victims in the United States by making them eligible for federally funded or administered health and other benefits and services. It also created immigration protections by including protections from removal for victims of trafficking (T visa) and victims of certain crimes (U visa).

Preventing Sex Trafficking and Strengthening Families Act of 2014

The Preventing Sex Trafficking and Strengthening Families Act of 2014 ([PL 113-183](#)) requires states to address sex trafficking of children under the child welfare agency's care and supervision. The act also established a National Advisory Committee on the Sex Trafficking of Children and Youth to coordinate with states to (1) develop and implement successful interventions with vulnerable children and youth and (2) make recommendations for administrative and legislative changes, among other things ([42 U.S.C § 1314b](#)).

Under this act, state child welfare agencies must (1) immediately report children identified as sex trafficking to law enforcement and (2) report to law enforcement, within 24 hours, for entry into the National Crime Information Center and to the National Center for Missing and Exploited Children.

The Justice for Victims of Trafficking Act of 2015 (JVTA)

The JVTA ([PL 114-22](#)) (1) expanded the criminal liability of buyers of commercial sex from trafficking victims by imposing an assessment on certain offenders and (2) created the Domestic Trafficking Victim's Fund into which the assessments must be deposited to fund victim assistance programs and award block grants for child trafficking deterrence programs, and additional training

requirements for law enforcement, first responders, prosecutors, and certain other officials and providers.

Among other things, the JVTa also created the U.S. Advisory Council on Human Trafficking and new directives to implement a national strategy for combating human trafficking ([22 U.S.C. § 7102, et al.](#)).

National Human Trafficking Hotline

The [national human trafficking hotline](#) is funded by the U.S. Department of Health and Human Services and is operated by Polaris, a Washington, DC-based nongovernmental organization. It is a telephone and web service that (1) members of the public can call to report suspected cases of trafficking, (2) survivors can call for help, or (3) interested persons can contact for trafficking information. States are encouraged to disseminate information about the hotline and create educational information for awareness about the hotline; and certain businesses and facilities must post information related to the hotline.

According to the National Conference of State Legislatures (NCSL), at least 29 states (including Connecticut) and the District of Columbia have laws that promote access to information about human trafficking through the use of the National Human Trafficking Hotline.

Connecticut Law

Connecticut enacted its first anti-trafficking law in 2006 and has enacted several anti-trafficking laws since. Like the framework established by the federal TVPA, Connecticut’s law focuses on trafficking prevention, prosecution, and victim protection (the “3Ps”). Below is a summary of the main provisions of Connecticut’s law.

Prosecuting Human Trafficking

Trafficking Defined. Under Connecticut law trafficking in persons is a stand-alone crime. A person is guilty of trafficking in persons when he or she:

1. uses fraud, coercion, or force (or threat of force) to compel or induce another person to (a) engage in conduct involving sexual contact with one or more third persons or (b) provide labor or services that such person has a legal right to refrain from providing;
2. compels or induces a minor (under age 18) to engage in conduct with one or more third persons involving sexual contact for which the third person may be charged with a criminal offense; or

3. commits a sex trafficking act ([CGS § 53a-192a](#)).

By law “sexual contact” means any contact with the intimate parts of another person. “Sex trafficking” is the recruitment, harboring, transportation, or providing a person for the purpose of engaging in sexual conduct with another person for a fee.

Coercion. Connecticut’s anti-trafficking law incorporates the existing definition of coercion, a crime committed when an actor makes a victim fear that if he or she does not comply with the actor’s demands, the actor or another person will:

1. commit a crime;
2. accuse someone else of committing a crime; or
3. expose a secret that could subject anyone to hatred, contempt, or ridicule, or impair his or her credit or business reputation ([CGS § 53a-192](#)).

Criminal Penalty. Trafficking in persons is a class A felony, punishable by imprisonment for 10 to 25 years, fines of up to \$20,000, or both ([CGS § 53a-192a](#)). The law allows the court to impose a standing criminal protective order against anyone who commits trafficking in persons and the victim is under age 18 ([CGS § 53a-40e](#) as amended by [PA 19-189](#), § 20). Under the law, in any prostitution offense, it is an affirmative defense that the actor was a trafficking victim ([CGS § 53a-82](#)).

Corrupt Organization Racketeering Act (CORA). Connecticut law makes human trafficking a predicate crime under CORA ([CGS § 53-393, et seq.](#)). As such, warrantless wiretapping may be used in human trafficking investigations and a person or enterprise that engages in a pattern of trafficking is subject to prosecution under CORA. CORA violators are subject to imprisonment up to 20 years, fines up to \$25,000, or both. Among other things, violators are also subject to the fines and penalties associated with the underlying crimes themselves. Violators must also forfeit to the state any property and interests acquired, maintained, or used in violation of the law ([CGS § 53-397](#)).

Civil Forfeiture. Connecticut has a civil forfeiture procedure to seize tainted funds and property used or obtained from crimes involving human trafficking. The funds and property subject to forfeiture are:

1. money used or intended for use related to the human trafficking crime;
2. property constituting the proceeds obtained, directly or indirectly, from the crime;

3. property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from the crime; and
4. property used or intended for use, in any manner or part, to commit or facilitate the crime for pecuniary gain ([CGS § 54-36p](#)).

Training Program for Law Enforcement. The law requires the Commission on Women, Children, Seniors, Equity and Opportunity in conjunction with the state's Police Officer Standards and Training Council, to develop a training program on trafficking in persons for police departments, prosecutors, and community organizations on request ([CGS § 46a-4b](#) as amended by [PA 19-117](#), § 133).

Prevention Strategy

Consistent with the federal framework, Connecticut's human trafficking prevention strategy includes the following provisions:

1. A permanent Trafficking in Persons Council that consults with government and other organizations in developing recommendations to strengthen state and local efforts to prevent human trafficking and provide services to victims ([CGS § 46a-170](#) as amended by [PA 19-32](#), § 12).
2. Hotel, motel, inn, and similar lodging operators must (a) maintain a system to keep records of all guest transactions and receipts for at least six months and (b) ensure that their employees receive training on human trafficking when they are hired and provide ongoing awareness campaigns ([CGS §§ 44-4 & 44-5](#)).
3. The commissioners of the Department of Children and Families (DCF) and the Department of Emergency Services and Public Protection must consult with state and national hotel and lodging associations to recommend educational and refresher training programs related to human trafficking ([CGS § 17a-106g](#)).
4. Any publicly or privately-operated highway service plaza, hotels, motels, similar lodgings, and businesses that offer materials for sale or promote performances for adult audiences must post a notice, developed by the Chief Court Administrator, listing the state and federal anti-trafficking hotline numbers and available victim services ([CGS § 54-234a](#) as amended by [PA 19-117](#), § 200).
5. The State Department of Education must include human trafficking and commercial sexual exploitation in the comprehensive school health education component of the Healthy and Balanced Living Curriculum Framework by January 1, 2020 ([PA 19-91](#), § 7).

Protection Provisions

Victim Services. Connecticut law mandates that the Judicial Branch's Office of Victim Services, within appropriations, contract with nongovernmental organizations to develop a coordinated response system to assist human trafficking victims. The contracts must be entered in for the following purposes:

1. developing a uniform training curriculum to address victims' rights and services;
2. developing information and materials on available resources and services for victims;
3. seeking out training and educational opportunities for identifying and helping victims; and
4. providing information, training, and educational opportunities to first responders, faith-based organizations, other service providers, and state and local government agencies ([CGS § 54-234](#)).

Child Welfare Services. The law allows DCF to provide (1) child welfare services for any minor child (under age 18) residing in the state who the department identifies as a trafficking victim and (2) appropriate services to a minor child residing in the state who DCF reasonably believes may be a trafficking victim. Within available appropriations, DCF may provide training to law enforcement officials about the trafficking of minor children. Additionally, the law allows DCF and the appropriate state's attorney to establish multidisciplinary teams to (1) review cases involving the trafficking of minor children and (2) coordinate prevention, intervention, and treatment in each judicial district ([CGS §§ 17a-106a & -106f](#)).

Public Health Services. The law requires the Department of Public Health (DPH) to provide human trafficking victims the same services it must provide to certain sexual assault victims. These services are:

1. counseling about HIV and AIDS,
2. HIV-related testing, and
3. referrals for appropriate health care and support services.

The law also requires DPH to provide the services (1) whether or not anyone is convicted or adjudicated delinquent for the violation and (2) through counseling and testing sites the department funds ([CGS § 19a-112b](#) as amended by [PA 19-189](#), § 7).

Access to Civil Damages. Connecticut law permits victims to sue their traffickers. They may seek either (1) actual damages or (2) statutory damages of up to \$1,000 for each day they were

coerced to work or engage in prostitution. If the victim prevails, the trafficker must also pay court costs and reasonable attorney's fees ([CGS § 52-571i](#)).

Also, the attorney general may file suit, at the labor commissioner's request, against an employer who employs workers knowing they are being coerced by someone else to work. Violators are subject to a fine of up to \$10,000 for each violation and authorizes the court to order other appropriate relief ([CGS § 31-51vv](#)).

Victim Compensation. Under the law, in instances where human trafficking has been alleged and the victim services officer or the victim compensation commissioner reasonably concludes that the crime occurred, the officer or commissioner may order compensation if the personal injury was disclosed to certain professionals, such as doctors and other medical professionals, certain therapists and counselors, social workers, and DCF employees ([CGS § 54-209](#)).

The law specifically allows the Office of Victim Services to waive the two-year limitation on crime victim compensation applications for minors who are victims of human trafficking who were not at fault for missing the deadline ([CGS § 54-211](#)).

Vacating Convictions and Record Erasure. After a conviction for prostitution, the defendant may apply to the Superior Court to vacate the judgment on the basis that his or her participation in the offense was a result of being a human trafficking victim. Prior to rendering a decision on a defendant who proves that he or she is a trafficking victim, the court must vacate any judgment of conviction and dismiss any charges related to the offense ([CGS § 54-95c](#)).

Under the law, if a child has a criminal record as a result of being a human trafficking victim, the court must order all related police and court records erased. Upon the entry of such an erasure order, all references must be removed from all agency, official, and institutional files. The law prohibits individuals in charge of the records from disclosing information pertaining to the erased record, except that the fact of such erasure may be substantiated when the court believes it is in the child's best interest to do so ([CGS § 46b-146](#)).

Other State Laws

According to the National Conference of State Legislatures, Washington was the first state to criminalize human trafficking in 2003. Since then, every state has enacted laws establishing criminal penalties human trafficking. Like Connecticut, the other states generally follow the federal "3P" framework (Prevention, Prosecution, and Protection). Table 1 highlights a few of the variations in other states' human trafficking laws.

Table 1: Variations in Other States' Human Trafficking Laws

<i>Prosecution</i>
<p>Definition</p> <p>The following states have expanded their definition of trafficking by including activities such as benefitting or profiting:</p> <ul style="list-style-type: none">• Alaska – anyone who benefits from human trafficking is guilty of 2nd degree trafficking (direct involvement is 1st degree trafficking) (Alaska Stat. §§ 11.41.360 & 11.41.365)• Vermont – “benefiting financially” from participation is a trafficking activity (Vt. Stat. Ann. tit. 13 § 2652)
<p>Enhanced Penalties</p> <p>Some states enhance the criminal penalties for trafficking when the crime is committed against vulnerable populations:</p> <ul style="list-style-type: none">• Florida – raises the trafficking penalty for commercial sexual activity, from a 1st degree felony to a life felony, when the crime is committed against a child under age 18 or a person who is mentally defective or mentally incapacitated (Fla. Stat. Ch. 787.06)
<p>Penalties for Businesses</p> <p>Some states have laws that specifically address penalties for business entities that committed, or were used in committing, human trafficking:</p> <ul style="list-style-type: none">• Alabama – makes a business entity criminally liable for human trafficking if an agent, by act or omission, performs an element of the crime while acting within the scope of his or her duties and the crime was authorized, requested, commanded, performed in a way that the entity knew or should have known was occurring (Ala. Code § 13A-6-153)
<p>Immunity</p> <p>Most states provide immunity from prosecution for trafficked youth. However, the following two states provide immunity from prosecution for both children and adult survivors of human trafficking:</p> <ul style="list-style-type: none">• Nebraska (Neb. Rev. Stat. § 28-801)• Wyoming (Wyo. Stat. Ann. §§ 6-2-708 & -709)
<p>Expungement</p> <p>Some states have laws that allow a trafficking victim’s criminal records to be expunged or sealed. For example:</p> <ul style="list-style-type: none">• Florida – the expungement law applies to arrests, charges, or convictions if they occurred when a person was a victim of trafficking (Fla. Stat. Ann. § 943.0583)• New Mexico – allows trafficking survivors’ records to be sealed for non-homicide crimes if their involvement was due to duress, coercion, use of force or fraud (N.M. Stat. Ann. § 30-52-1.2)
<i>Prevention</i>
<p>Information Campaign</p> <p>Some states have laws that specifically address public awareness of human trafficking, such as:</p> <ul style="list-style-type: none">• Hawaii – designates January as “Human Trafficking Awareness Month” to promote public awareness of human trafficking as a significant societal and public health crisis (HB 1187 (2013))• New Jersey – designates Jan. 11 as “Human Trafficking Awareness Day,” with the purpose of raising awareness about the signs and consequences of human trafficking and to promote its opposition (N.J. Rev. Stat. § 36:2-204)

Table 1 (continued)

Prevention

Licensing and Advertising

Some states have specific requirements for certain licensed professionals and the advertisement of their services:

- Florida – By January 1, 2021, a massage establishment must (1) implement a procedure for reporting suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency and (2) post it in a conspicuous place where it is accessible to employees and include relevant provisions of the reporting procedure ([Fla. Stat. Ch. 480.043\(13\)](#))
- Arizona – requires advertisements for massage therapy businesses and escort services to include the therapist's or business license number. Violators are subject to a \$500 fine for a first; \$1,000 fine for a second offense, and \$5,000 for a third or subsequent offense. The law also requires a massage therapist or massage therapy business to retain on file, for at least one year, proof of the age of any massage therapist whose services are offered in any advertisement of massage therapy services ([Ariz. Rev. Stat. § 32-4260](#))

Protection

Services

Most states require specific departments to coordinate with other agencies and nongovernmental organizations to develop a plan for providing services to human trafficking survivors. However, a few states have established programs in statute to provide services to human trafficking survivors, such as:

- New Mexico ([N.M. Stat. Ann. § 30-52-2](#))
- New York ([N.Y. Soc. Serv. § 483-BB](#))
- Texas ([Tex. Gov't Code Ann. § 531.381 et seq.](#))

Services to Non-Citizen Victims

Some states generally extend public benefits to non-citizen/immigrant survivors of human trafficking, such as:

- New York ([N.Y. Soc. Serv. § 483-DD](#))

State Special Funds

Some states created statutory special funds to provide training and services that are general to all survivors, but some apply the funds to children survivors or specify that the funds apply to both children and adult survivors:

- Georgia – specifies that the fund applies only to children who are survivors of sex trafficking ([Ga. Code § 15-21-202](#))
- Arizona – specifically mentions that the fund is available to both child and adult survivors of sex and labor trafficking ([Ariz. Rev. Stat. § 41-114](#))

Restitution

Some states require from convicted traffickers to pay their victims restitution (i.e., damages awarded to the victim when the defendant has been unjustly enriched):

- Alabama – requires forfeited proceeds from human trafficking crimes to first satisfy restitution ([Ala. Code § 13A-6-155](#))
- North Carolina – requires restitution be paid in an amount equal to the value of the survivors' labor according to the Fair Labor Standards Act ([N.C. Gen. Stat. § 14-43.20](#))
- Texas – requires a person convicted of compelling prostitution to pay restitution in an amount equal to the cost of the medical and psychiatric treatment for all victims under age 18 ([Tex. Code of Crim. Proc. Ann. art. 42.0372](#))

Source: NCSL – [Human Trafficking State Laws](#) and OLR analysis of State Statutes

Additional Resources

The following resources provide additional information on human trafficking laws and reports on their effectiveness:

- OLR Report [2019-R-0121](#) – Connecticut’s Human Trafficking-Related Case Statistics
- OLR Report [2017-R-0336](#) – Connecticut’s Recent Human Trafficking Legislation
- Connecticut Trafficking in Persons Council [2018 Report](#)
- U.S. Department of State: [Trafficking in Persons Report](#) (2019)
- Polaris Project: [State Report Cards on Criminal Record Relief Statutes](#) (March 2019)
- NCSL: [Human Trafficking Overview](#) (June 2018)
- NCSL: [Human Trafficking State Laws](#)

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