
OLR Bill Analysis

HB 6657

AN ACT CONCERNING HUMAN TRAFFICKING.

SUMMARY

This bill makes various changes to laws affecting human trafficking crime and victims. Principally, it:

1. increases, from 27 to 35, the Trafficking in Persons Council's membership (§ 1);
2. allows the court to compel certain witnesses to testify and produce evidence in delinquency proceedings (§ 2);
3. establishes an affirmative defense for a trafficking victim who is a minor charged with trafficking in persons (§ 3);
4. narrows the elements of the trafficking in persons crime by including only actions a person commits knowingly (§ 3);
5. broadens the crimes of "sex trafficking," "patronizing a prostitute," and "commercial sexual abuse of a minor" to include taking these actions in exchange for anything of value, instead of only for paying a fee, as under current law (§§ 3-5);
6. reduces, from annually to every three years, the required frequency of the Department of Children and Families (DCF) refresher training in human trafficking awareness for certain professions and extends the training requirement to emergency medical services (EMS) personnel; (§ 6) and
7. extends vacatur relief to a person who committed certain human trafficking crimes, if the person did so due to being a human trafficking victim (§ 7).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021, except the provision on the Trafficking in Persons Council's membership is effective July 1, 2021.

§ 1 — TRAFFICKING IN PERSONS COUNCIL MEMBERSHIP

The bill increases the council's membership from 27 to 35 by adding (1) a Superior Court judge, appointed by the chief court administrator; (2) a state's attorney, appointed by the chief state's attorney; (3) a public defender, appointed by the chief public defender; and (4) five public members.

For the latter, the bill increases (1) from two to three, the public members appointed by the governor and (2) from one to two, the public members appointed by each of the Senate and House majority and minority leaders. Table 1 lists the appointing authority and required qualifications for these additional five public members.

Table 1: New Public Member Qualifications

Appointing Authority	Qualifications
The governor	One representative of a coalition of children's advocacy centers and multidisciplinary teams dedicated to serving child abuse victims and their families
Senate majority leader	One representative of the Connecticut Coalition to End Homelessness
House majority leader	One representative of the Connecticut Criminal Defense Lawyers Association
Senate minority leader	One representative of massage therapists
House minority leader	One representative of an organization that works with adult trafficking victims

§ 2 — COMPELLING WITNESS TESTIMONY

By law, if the chief state's attorney, state's attorney, or deputy chief state's attorney determine that a witness's testimony or production of

evidence is necessary to the public interest, they may apply to the court for an order compelling the witness to testify or produce evidence in certain proceedings. They may do this only if they notify the witness, after he or she has claimed privilege against self-incrimination.

Under the bill, these officials may take this action in delinquency proceedings in addition to grand jury investigations and certain criminal proceedings, as under existing law (e.g., those involving violent felonies; class A, B, and C felonies; and certain unclassified felonies).

§ 3 — AFFIRMATIVE DEFENSE FOR TRAFFICKING VICTIM

Under the bill, it is an affirmative defense in any human trafficking prosecution or delinquency proceeding that the defendant was a minor (under age 18) and his or her participation in the offense was a result of having been a victim of another person's conduct that constitutes human trafficking.

Under current law, 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 the other 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).

The bill narrows this crime to include only the above listed actions a person commits knowingly.

§§ 3-5 — ELEMENTS OF CERTAIN SEX CRIMES

The bill broadens the definition of the crimes of “sex trafficking,” “patronizing a prostitute,” and “commercial sexual abuse of a minor” by making it a crime to engage in the following conduct in exchange for anything of value, instead of only for a fee, as under current law:

1. for sex trafficking: the recruitment, harboring, transportation, or providing of a person to engage in sexual conduct with another person;
2. for patronizing a prostitute: paying another person based on an understanding that in return, the other person or a third person will engage in sexual conduct with him or her; and
3. for commercial sexual abuse of a minor: (a) paying a minor or third person as compensation for the minor engaging in sexual conduct with the person or based on an understanding that in return for the payment, the minor will engage in sexual conduct or (b) soliciting or requesting to engage in sexual conduct with a minor, or someone the person reasonably believes to be a minor, in return for a fee.

The bill similarly broadens the crimes of patronizing a prostitute and commercial sexual abuse of a minor to include when they are committed based on an agreement to exchange anything of value, instead of an agreement for a fee, as under current law.

§ 6 — HUMAN TRAFFICKING AWARENESS COURSE

Existing law requires the DCF commissioner, in consultation with the commissioner of Emergency Services and Public Protection, to develop an initial and refresher training program to accurately and promptly identify and report suspected human trafficking. The bill reduces, from annually to every three years, the frequency with which DCF must offer the refresher training.

The bill also extends the training requirement to EMS personnel who have contact with patients. Existing law already requires the following professionals to complete the training: law enforcement

personnel; judges, prosecutors, public defenders and certain other criminal attorneys; hospital emergency room staff who have patient contact; and local and regional school boards, or a constituent unit, who have contact with students.

§ 7 — VACATUR RELIEF FOR TRAFFICKING VICTIMS

Applications

By law, at any time after a court enters a human trafficking conviction, the defendant may apply to the Superior Court to vacate the judgment of conviction on the basis that his or her participation in the offense resulted from being a victim of another person's conduct that constitutes a human trafficking violation under state or federal law.

The bill requires anyone who applies for vacatur relief to notify the Office of Victim Services of the application.

It also requires the court, before granting or denying the application, to consider any information or statement provided by the victim of the crime for which the applicant was convicted.

Vacate Conviction and Dismiss Charges

The bill requires the court to vacate a conviction for prostitution if the defendant proves that his or her participation in the offense was a result of having been a victim of another person's conduct that constitutes a human trafficking violation under federal law. Current law requires the court to do so only when the defendant proves that he or she is a victim of the state's human trafficking law.

The bill also allows the court, at its discretion, to vacate any other judgment of conviction applied for by a human trafficking victim. As under existing law, the court must dismiss any charges related to any offense it vacates.

Under existing law, unchanged by the bill, vacating a judgment of conviction and dismissal of human trafficking charges does not constitute grounds for awarding compensation for wrongful arrest, prosecution, conviction, or incarceration.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 27 Nay 10 (03/29/2021)