



House of Representatives

General Assembly

File No. 479

January Session, 2021

House Bill No. 6657

House of Representatives, April 15, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING HUMAN TRAFFICKING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46a-170 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021*):

4 (b) The council shall consist of the following members: (1) The Chief
5 State's Attorney, or a designee; (2) the Chief Public Defender, or a
6 designee; (3) the Commissioner of Emergency Services and Public
7 Protection, or the commissioner's designee; (4) the Labor Commissioner,
8 or the commissioner's designee; (5) the Commissioner of Social Services,
9 or the commissioner's designee; (6) the Commissioner of Public Health,
10 or the commissioner's designee; (7) the Commissioner of Mental Health
11 and Addiction Services, or the commissioner's designee; (8) the
12 Commissioner of Children and Families, or the commissioner's
13 designee; (9) the Commissioner of Consumer Protection, or the
14 commissioner's designee; (10) the director of the Basic Training Division
15 of the Police Officer Standards and Training Council, or the director's

16 designee; (11) the Child Advocate, or the Child Advocate's designee;
17 (12) the Victim Advocate, or the Victim Advocate's designee; (13) a
18 chairperson of the Commission on Women, Children, Seniors, Equity
19 and Opportunity, or the chairperson's designee; (14) one representative
20 of the Office of Victim Services of the Judicial Branch appointed by the
21 Chief Court Administrator; (15) a municipal police chief appointed by
22 the Connecticut Police Chiefs Association, or a designee; (16) the
23 Commissioner of Education, or the commissioner's designee; (17) an
24 adult victim of trafficking, appointed by the Governor; [and (18) ten]
25 (18) a judge of the Superior Court, appointed by the Chief Court
26 Administrator; (19) a state's attorney appointed by the Chief State's
27 Attorney; (20) a public defender appointed by the Chief Public
28 Defender; and (21) fifteen public members appointed as follows: The
29 Governor shall appoint [two] three members, one of whom shall
30 represent victims of commercial exploitation of children, [and] one of
31 whom shall represent sex trafficking victims who are children and one
32 of whom shall represent a coalition of children's advocacy centers and
33 multidisciplinary teams that are dedicated to serving child abuse
34 victims and their families, the president pro tempore of the Senate shall
35 appoint two members, one of whom shall represent the Connecticut
36 Alliance to End Sexual Violence and one of whom shall represent an
37 organization that provides civil legal services to low-income
38 individuals, the speaker of the House of Representatives shall appoint
39 two members, one of whom shall represent the Connecticut Coalition
40 Against Domestic Violence and one of whom shall represent the
41 Connecticut Lodging Association, the majority leader of the Senate shall
42 appoint [one member who] two members, one of whom shall represent
43 an organization that deals with behavioral health needs of women and
44 children and one of whom shall represent the Connecticut Coalition to
45 end Homelessness, the majority leader of the House of Representatives
46 shall appoint [one member who] two members, one of whom shall
47 represent an organization that advocates on social justice and human
48 rights issues and one of whom shall represent the Connecticut Criminal
49 Defense Lawyers Association, the minority leader of the Senate shall
50 appoint [one member who] two members, one of whom shall represent

51 the Connecticut Immigrant and Refugee Coalition and one of whom
52 shall represent massage therapists, and the minority leader of the House
53 of Representatives shall appoint [one member who] two members, one
54 of whom shall represent the Motor Transport Association of
55 Connecticut, Inc. and one of whom shall represent an organization that
56 works with adult victims of trafficking.

57 Sec. 2. Subsection (a) of section 54-47a of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective October*
59 *1, 2021*):

60 (a) Whenever in the judgment of the Chief State's Attorney, a state's
61 attorney or the deputy chief state's attorney, the testimony of any
62 witness or the production of books, papers or other evidence of any
63 witness [(1) in any] is necessary to the public interest in any (1) criminal
64 proceeding involving narcotics, arson, bribery, gambling, election law
65 violations, felonious crimes of violence, any violation which is an
66 offense under the provisions of title 22a, corruption in the executive,
67 legislative or judicial branch of state government or in the government
68 of any political subdivision of the state, fraud by a vendor of goods or
69 services in the medical assistance program under Title XIX of the Social
70 Security Act amendments of 1965, as amended, any violation of chapter
71 949c, or any other class A, B or C felony or unclassified felony
72 punishable by a term of imprisonment in excess of five years for which
73 the Chief State's Attorney or state's attorney demonstrates that he has
74 no other means of obtaining sufficient information as to whether a crime
75 has been committed or the identity of the person or persons who may
76 have committed a crime, before a court or grand jury of this state, [or]
77 (2) [in any] investigation conducted by an investigatory grand jury as
78 provided in sections 54-47b to 54-47g, inclusive, [is necessary to the
79 public interest,] or (3) delinquency proceeding the Chief State's
80 Attorney, the state's attorney, or the deputy chief state's attorney, may,
81 with notice to the witness, after the witness has claimed his privilege
82 against self-incrimination, make application to the court for an order
83 directing the witness to testify or produce evidence subject to the
84 provisions of this section.

85 Sec. 3. Section 53a-192a of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective October 1, 2021*):

87 (a) A person is guilty of trafficking in persons when such person (1)
88 knowingly compels or induces another person to engage in conduct
89 involving sexual contact with one or more third persons, or provide
90 labor or services that such person has a legal right to refrain from
91 providing, by means of (A) the use of force against such other person or
92 a third person, or by the threat of use of force against such other person
93 or a third person, (B) fraud, or (C) coercion, as provided in section 53a-
94 192, (2) (A) knowingly compels or induces another person [who is under
95 eighteen years of age] to engage in conduct involving sexual contact
96 with one or more third persons that constitutes sexual contact for which
97 such third person may be charged with a criminal offense, and (B) such
98 person who is compelled or induced to engage in such conduct is under
99 eighteen years of age, or (3) otherwise knowingly commits an act that
100 constitutes sex trafficking. For the purposes of this subsection, "sexual
101 contact" means any contact with the intimate parts of another person,
102 and "sex trafficking" means the recruitment, harboring, transportation
103 or provision of a person for the purpose of engaging in sexual conduct
104 with another person [for a fee] in exchange for anything of value.

105 (b) It shall be an affirmative defense in any prosecution or
106 delinquency proceeding under this section that the defendant was
107 under eighteen years of age and his or her participation in the offense
108 was a result of having been a victim of conduct of another person that
109 constitutes trafficking in persons in violation of subsection (a) of this
110 section.

111 ~~[(b)]~~ (c) Trafficking in persons is a class A felony.

112 Sec. 4. Section 53a-83 of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective October 1, 2021*):

114 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant
115 to a prior understanding, such person [pays a fee to] exchanges anything
116 of value with another person as compensation for such person or a third

117 person having engaged in sexual conduct with such person; (2) such
118 person [pays or agrees to pay a fee to] exchanges or agrees to exchange
119 anything of value with another person pursuant to an understanding
120 that [in return for such fee] such other person or a third person will
121 engage in sexual conduct with such person; or (3) such person solicits
122 or requests another person to engage in sexual conduct with such
123 person in [return for a fee] exchange for anything of value.

124 (b) Patronizing a prostitute is a class A misdemeanor and any person
125 found guilty shall be fined two thousand dollars.

126 Sec. 5. Section 53a-83b of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective October 1, 2021*):

128 (a) A person is guilty of commercial sexual abuse of a minor when:
129 (1) Such person [pays a fee to] exchanges anything of value with a minor
130 or third person as compensation for a minor having engaged in sexual
131 conduct with such person; (2) such person [pays or agrees to pay a fee
132 to] exchanges or agrees to exchange anything of value with a minor or
133 a third person pursuant to an understanding that in return [for such fee]
134 the minor will engage in sexual conduct with such person; or (3) such
135 person solicits or requests to engage in sexual conduct with a minor, or
136 any other person that such person reasonably believes to be a minor, in
137 return for [a fee] anything of value.

138 (b) Except as provided in subsection (c) of this section, commercial
139 sexual abuse of a minor is a class B felony.

140 (c) Commercial sexual abuse of a minor is a class A felony if the minor
141 has not attained fifteen years of age.

142 (d) For purposes of this section, "minor" means a person who has not
143 attained eighteen years of age.

144 Sec. 6. Section 17a-106h of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective October 1, 2021*):

146 (a) The Commissioner of Children and Families, in consultation with

147 the Commissioner of Emergency Services and Public Protection, shall
148 develop an initial educational training program and refresher training
149 program for the accurate and prompt identification and reporting of
150 suspected human trafficking.

151 (b) The training program shall include a video presentation,
152 developed and approved by said commissioners, that offers awareness
153 of human trafficking issues and guidance to (1) law enforcement
154 personnel, (2) judges of the Superior Court, (3) prosecutors, (4) public
155 defenders and other attorneys who represent criminal defendants, (5)
156 hospital emergency room staff, [and] urgent care facility staff and
157 emergency medical services personnel who have contact with patients,
158 and (6) persons employed by a local or regional board of education or a
159 constituent unit, as defined in section 10a-1, who have contact with
160 students.

161 (c) Any person described in subsection (b) of this section shall
162 complete the initial educational training program not later than July 1,
163 2018, and shall complete the refresher training program [annually]
164 every three years thereafter, provided any person being employed as
165 such a person shall complete such initial educational training program
166 not later than six months after beginning such employment or July 1,
167 2018, whichever is later.

168 Sec. 7. Section 54-95c of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2021*):

170 (a) At any time after a court enters a judgment of conviction, [is
171 entered pursuant to section 53a-82,] the defendant may apply to the
172 Superior Court to vacate [any] such judgment of conviction on the basis
173 that his or her participation in the offense was a result of having been a
174 victim of conduct of another person that constitutes (1) trafficking in
175 persons under section 53a-192a, as amended by this act, or (2) a criminal
176 violation of 18 USC Chapter 77, as amended from time to time.

177 (b) Prior to rendering a decision on a defendant's application to
178 vacate any judgment of conviction, the court shall afford the prosecutor

179 a reasonable opportunity to investigate the defendant's claim and an
 180 opportunity to be heard to contest the defendant's application. Any
 181 person who files an application pursuant to this section shall notify the
 182 Office of Victim Services of the filing of such application. Prior to
 183 granting or denying such application, the court shall consider any
 184 information or statement provided by the victim of the crime for which
 185 the applicant was convicted.

186 (c) If the defendant proves that [he or she was a victim of trafficking
 187 in persons under said section] his or her participation in the offense was
 188 a result of having been a victim of conduct of another person that
 189 constitutes trafficking in persons under section 53a-192a, as amended by
 190 this act, or a victim of a criminal violation of [said chapter at the time of
 191 the offense] 18 USC Chapter 77, as amended from time to time, the court
 192 (1) shall vacate any judgment of conviction [and dismiss any charges
 193 related to the offense] pursuant to section 53a-82, and (2) may, in its
 194 discretion, vacate any other judgment of conviction pursuant to an
 195 application under subsection (a) of this section, and dismiss any charges
 196 related to any offense vacated pursuant to subdivision (1) or (2) of this
 197 subsection.

198 (d) The vacating of a judgment of conviction and dismissal of charges
 199 pursuant to this section shall not constitute grounds for an award of
 200 compensation for wrongful arrest, prosecution, conviction or
 201 incarceration pursuant to section 54-102uu or any other provision of the
 202 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	46a-170(b)
Sec. 2	October 1, 2021	54-47a(a)
Sec. 3	October 1, 2021	53a-192a
Sec. 4	October 1, 2021	53a-83
Sec. 5	October 1, 2021	53a-83b
Sec. 6	October 1, 2021	17a-106h
Sec. 7	October 1, 2021	54-95c

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill 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 and results in a potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,200¹ while the average marginal cost for supervision in the community is less than \$700² each year.

The bill makes various changes to laws affecting human trafficking, including increasing the membership to the Trafficking in Persons Council, compelling witness testimony, and affirmative defense for

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

trafficking victims, which do not result in a fiscal impact.

The bill requires the Department of Children and Families (DCF) to train emergency medical services (EMS) personnel to identify and report suspected human trafficking. As DCF currently provides this training adding EMS personnel has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

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)