



General Assembly

January Session, 2021

***Raised Bill No. 6657***

LCO No. 5622



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  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 (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	<i>July 1, 2021</i>	46a-170(b)
Sec. 2	<i>October 1, 2021</i>	54-47a(a)
Sec. 3	<i>October 1, 2021</i>	53a-192a
Sec. 4	<i>October 1, 2021</i>	53a-83
Sec. 5	<i>October 1, 2021</i>	53a-83b
Sec. 6	<i>October 1, 2021</i>	17a-106h
Sec. 7	<i>October 1, 2021</i>	54-95c

***Statement of Purpose:***

To (1) adjust the membership in the Trafficking in Persons Council, (2) allow certain testimony in the case of a delinquency proceeding to be compelled, (3) establish an affirmative defense for trafficking in persons in the case of a victim of trafficking, (4) redefine "sex trafficking", (5) modify the elements of the crimes of patronizing a prostitute and commercial sexual abuse of a minor, (6) change the required frequency of a refresher course in human trafficking awareness for certain professions, and (7) extend vacatur relief to a person who committed certain crimes if a conviction is based on participation in the crime by the convicted person due to such person being a victim of trafficking.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*