



General Assembly

Amendment

January Session, 2021

LCO No. 8465



Offered by:

REP. STAFSTROM, 129th Dist.

REP. FISHBEIN, 90th Dist.

To: House Bill No. 6657

File No. 479

Cal. No. 349

"AN ACT CONCERNING HUMAN TRAFFICKING."

1 Strike section 7 in its entirety and insert the following in lieu thereof:

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 Section 54-95c of the general statutes is repealed and the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

4 (a) At any time after a court enters a judgment of conviction [is
5 entered pursuant to section 53a-82] for any misdemeanor offense or a
6 class C, D or E felony or any unclassified felony offense carrying a term
7 of imprisonment of not more than ten years, the defendant may apply
8 to the Superior Court to vacate [any] such judgment of conviction on the
9 basis that his or her participation in the offense was a result of having
10 been a victim of conduct of another person that constitutes (1) trafficking
11 in persons under section 53a-192a, as amended by this act, or (2) a
12 criminal violation of 18 USC Chapter 77, as amended from time to time.
13 [Prior to rendering a decision on a defendant's application to vacate any
14 judgment of conviction, the court shall afford the prosecutor a
15 reasonable opportunity to investigate the defendant's claim and an

16 opportunity to be heard to contest the defendant's application. If the
17 defendant proves that he or she was a victim of trafficking in persons
18 under said section or a victim of a criminal violation of said chapter at
19 the time of the offense, the court shall vacate any judgment of conviction
20 and dismiss any charges related to the offense. The vacating of a
21 judgment of conviction and dismissal of charges pursuant to this section
22 shall not constitute grounds for an award of compensation for wrongful
23 arrest, prosecution, conviction or incarceration pursuant to section 54-
24 102uu or any other provision of the general statutes.]

25 (b) Any person seeking to have a judgment vacated pursuant to this
26 section shall send notice by registered or certified mail on a form
27 prescribed by the Office of the Chief Court Administrator to any victim
28 of the crime for which such person was convicted. The notice shall
29 inform each victim that such person has applied to vacate such
30 conviction and the victim has the opportunity to be heard by the court
31 on the application.

32 (c) Prior to rendering a decision on a defendant's application to vacate
33 any judgment of conviction, the court shall afford the prosecutor a
34 reasonable opportunity to investigate the defendant's claim, and shall
35 provide the victim and the prosecutor an opportunity to be heard
36 regarding the defendant's application.

37 (d) If the defendant proves that he or she was a victim of trafficking
38 in persons pursuant to section 53a-192a, as amended by this act, or a
39 victim of a criminal violation of 18 USC Chapter 433, as amended from
40 time to time, at the time of any offense described in subsection (a) of this
41 section for which the defendant has applied for vacatur, (1) the court
42 shall vacate any judgment of conviction entered for a violation of section
43 53a-82 and dismiss the charge related to such conviction, and (2) the
44 court may, in its discretion, vacate any judgment of conviction entered
45 for any misdemeanor offense or a class C, D or E felony or any
46 unclassified felony offense carrying a term of imprisonment of not more
47 than ten years for which the defendant has applied for vacatur pursuant
48 to this section and shall dismiss the charge related to any such

49 conviction.

50 (e) The vacating of a judgment of conviction and dismissal of charges
51 pursuant to this section shall not constitute grounds for an award of
52 compensation for wrongful arrest, prosecution, conviction or
53 incarceration pursuant to section 54-102uu or any other provision of the
54 general statutes."