



General Assembly

February Session, 2020

Raised Bill No. 5502

LCO No. 2821



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING HUMAN TRAFFICKING AND SEXUAL MISCONDUCT AGAINST MINORS.

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 2020 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2020*):

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 appointed by the Chief Court Administrator; (19) a state's
26 attorney assigned to act in any judicial district, as designated by the
27 Chief State's Attorney; (20) a public defender assigned to act in any
28 judicial district, as designated by the Chief Public Defender; and (21)
29 thirteen public members appointed as follows: The Governor shall
30 appoint [two] three members, one of whom shall represent victims of
31 commercial exploitation of children, [and] one of whom shall represent
32 sex trafficking victims who are children and one of whom shall be a part
33 of an alliance forming a coalition of children's advocacy centers and
34 multidisciplinary teams dedicated to child abuse victims and their
35 families, the president pro tempore of the Senate shall appoint two
36 members, one of whom shall represent the Connecticut Alliance to End
37 Sexual Violence and one of whom shall represent an organization that
38 provides civil legal services to low-income individuals, the speaker of
39 the House of Representatives shall appoint two members, one of whom
40 shall represent the Connecticut Coalition Against Domestic Violence
41 and one of whom shall represent the Connecticut Lodging Association,
42 the majority leader of the Senate shall appoint [one member who] two
43 members, one of whom shall represent an organization that deals with
44 behavioral health needs of women and children and one of whom shall
45 represent the Connecticut Coalition to End Homelessness, the majority
46 leader of the House of Representatives shall appoint [one member who]
47 two members, one of whom shall represent an organization that
48 advocates on social justice and human rights issues and one of whom
49 shall represent the Connecticut Criminal Defense Lawyers Association,
50 the minority leader of the Senate shall appoint one member who shall

51 represent the Connecticut Immigrant and Refugee Coalition, and the
52 minority leader of the House of Representatives shall appoint one
53 member who shall represent the Motor Transport Association of
54 Connecticut, Inc.

55 Sec. 2. Subsection (a) of section 54-47a of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective October*
57 *1, 2020*):

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

83 Sec. 3. Section 53a-192a of the general statutes is repealed and the

84 following is substituted in lieu thereof (*Effective October 1, 2020*):

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

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

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

109 Sec. 4. Section 54-95c of the general statutes is repealed and the
110 following is substituted in lieu thereof (*Effective October 1, 2020*):

111 (a) At any time after a court enters a judgment of conviction [is
112 entered pursuant to section 53a-82,] for any misdemeanor offense or a
113 class C, D or E felony or any unclassified felony offense carrying a term
114 of imprisonment of not more than ten years, the defendant may apply
115 to the Superior Court to vacate [any] such judgment of conviction on the

116 basis that his or her participation in the offense was a result of having
117 been a victim of conduct of another person that constitutes (1) trafficking
118 in persons under section 53a-192a, as amended by this act, or (2) a
119 criminal violation of 18 USC Chapter 77, as amended from time to time.

120 (b) Prior to rendering a decision on a defendant's application to
121 vacate any judgment of conviction, the court shall afford the prosecutor
122 a reasonable opportunity to investigate the defendant's claim and an
123 opportunity to be heard to contest the defendant's application. Any
124 person who files an application pursuant to this statute shall notify the
125 Office of Victim Services of the filing of such application. Prior to
126 granting or denying such application, the court shall consider any
127 information or statement provided by the victim of the crime for which
128 the applicant was convicted.

129 (c) If the defendant proves that he or she was a victim of trafficking
130 in persons under [said] section 53a-192a, as amended by this act, or a
131 victim of a criminal violation of [said chapter] 18 USC Chapter 77, as
132 amended from time to time, at the time of the offense, (1) the court shall
133 vacate any judgment of conviction [and dismiss any charges related to
134 the offense] pursuant to section 53a-92, and (2) the court may in its
135 discretion vacate any other judgment of conviction pursuant to an
136 application under subsection (a) of this section, and dismiss any charges
137 related to any offense vacated pursuant to subdivision (1) or (2) of this
138 subsection.

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

144 Sec. 5. (NEW) (*Effective October 1, 2020*) No operator of a hotel, motel
145 or similar lodging may offer an hourly rate for any sleeping
146 accommodation maintained by such hotel, motel or similar lodging.

147 Sec. 6. (NEW) (*Effective October 1, 2020*) No operator of a hotel, motel

148 or similar lodging may offer any sleeping accommodation maintained
 149 by such hotel, motel or similar lodging to any person without first
 150 establishing such person's identity by requiring such person to present
 151 such person's motor vehicle operator's license issued pursuant to section
 152 14-36 of the general statutes, or any other valid form of identification
 153 issued by the federal government or a state or municipal government or
 154 an official passport, provided such identification includes a photograph.

155 Sec. 7. Subsection (f) of section 53a-29 of the 2020 supplement to the
 156 general statutes is repealed and the following is substituted in lieu
 157 thereof (*Effective October 1, 2020*):

158 (f) The period of probation, unless terminated sooner as provided in
 159 section 53a-32, shall be not less than ten years or more than thirty-five
 160 years for conviction of a violation of section 53a-70b of the general
 161 statutes, revision of 1958, revised to January 1, 2019, or subdivision (2)
 162 of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-
 163 72a, 53a-72b [,] or 53a-73a, subdivision (1) of subsection (a) of section
 164 53a-83b if the minor victim is fifteen years of age or older, subdivision
 165 (2) of subsection (a) of section 53a-86 or section 53a-90a or 53a-90b or
 166 subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, or section
 167 53a-196, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	46a-170(b)
Sec. 2	<i>October 1, 2020</i>	54-47a(a)
Sec. 3	<i>October 1, 2020</i>	53a-192a
Sec. 4	<i>October 1, 2020</i>	54-95c
Sec. 5	<i>October 1, 2020</i>	New section
Sec. 6	<i>October 1, 2020</i>	New section
Sec. 7	<i>October 1, 2020</i>	53a-29(f)

Statement of Purpose:

To (1) increase 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) change the required frequency of a refresher course in human trafficking awareness for certain professions, (6) 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, (7) to prohibit hourly rates at lodgings and require lodgings to establish a customer's identification before offering accommodation to such person, and (8) authorize extended periods of probation following convictions for certain crimes against minors.

[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.]