



House Bill No. 6657

Public Act No. 21-103

AN ACT CONCERNING HUMAN TRAFFICKING.

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

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 Subsection (b) of section 46a-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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of the Office of Victim Services of the Judicial Branch appointed by the Chief Court Administrator; (15) a municipal police chief appointed by the Connecticut Police Chiefs Association, or a designee; (16) the Commissioner of Education, or the commissioner's designee; (17) an adult victim of trafficking, appointed by the Governor; [and (18) ten] (18) a judge of the Superior Court, appointed by the Chief Court Administrator; (19) a state's attorney appointed by the Chief State's Attorney; (20) a public defender appointed by the Chief Public Defender; and (21) fifteen public members appointed as follows: The Governor shall appoint [two] three members, one of whom shall represent victims of commercial exploitation of children, [and] one of whom shall represent sex trafficking victims who are children and one of whom shall represent a coalition of children's advocacy centers and multidisciplinary teams that are dedicated to serving child abuse victims and their families, the president pro tempore of the Senate shall appoint two members, one of whom shall represent the Connecticut Alliance to End Sexual Violence and one of whom shall represent an organization that provides civil legal services to low-income individuals, the speaker of the House of Representatives shall appoint two members, one of whom shall represent the Connecticut Coalition Against Domestic Violence and one of whom shall represent the Connecticut Lodging Association, the majority leader of the Senate shall appoint [one member who] two members, one of whom shall represent an organization that deals with behavioral health needs of women and children and one of whom shall represent the Connecticut Coalition to end Homelessness, the majority leader of the House of Representatives shall appoint [one member who] two members, one of whom shall represent an organization that advocates on social justice and human rights issues and one of whom shall represent the Connecticut Criminal Defense Lawyers Association, the minority leader of the Senate shall appoint [one member who] two members, one of whom shall represent the Connecticut Immigrant and Refugee Coalition and one of whom shall represent massage therapists, and the minority leader of the House

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of Representatives shall appoint [one member who] two members, one of whom shall represent the Motor Transport Association of Connecticut, Inc. and one of whom shall represent an organization that works with adult victims of trafficking.

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

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

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provisions of this section.

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

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

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

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

Sec. 4. Section 53a-83 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) A person is guilty of patronizing a prostitute when: (1) Pursuant to a prior understanding, such person [pays a fee to] exchanges anything of value with another person as compensation for such person or a third person having engaged in sexual conduct with such person; (2) such person [pays or agrees to pay a fee to] exchanges or agrees to exchange anything of value with another person pursuant to an understanding that [in return for such fee] such other person or a third person will engage in sexual conduct with such person; or (3) such person solicits or requests another person to engage in sexual conduct with such person in [return for a fee] exchange for anything of value.

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

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

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

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

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

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

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

(a) The Commissioner of Children and Families, in consultation with the Commissioner of Emergency Services and Public Protection, shall develop an initial educational training program and refresher training program for the accurate and prompt identification and reporting of suspected human trafficking.

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

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

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

(a) At any time after a court enters a judgment of conviction [is

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entered pursuant to section 53a-82] for any misdemeanor offense or a class C, D or E felony or any unclassified felony offense carrying a term of imprisonment of not more than ten years, the defendant may apply to the Superior Court to vacate [any] such judgment of conviction on the basis that his or her participation in the offense was a result of having been a victim of conduct of another person that constitutes (1) trafficking in persons under section 53a-192a, as amended by this act, or (2) a criminal violation of 18 USC Chapter 77, as amended from time to time. [Prior to rendering a decision on a defendant's application to vacate any judgment of conviction, the court shall afford the prosecutor a reasonable opportunity to investigate the defendant's claim and an opportunity to be heard to contest the defendant's application. If the defendant proves that he or she was a victim of trafficking in persons under said section or a victim of a criminal violation of said chapter at the time of the offense, the court shall vacate any judgment of conviction and dismiss any charges related to the offense. The vacating of a judgment of conviction and dismissal of charges pursuant to this section shall not constitute grounds for an award of compensation for wrongful arrest, prosecution, conviction or incarceration pursuant to section 54-102uu or any other provision of the general statutes.]

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

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

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regarding the defendant's application.

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

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

Sec. 8. (*Effective from passage*) Not later than January 1, 2022, the Trafficking in Persons Council, established pursuant to section 46a-170 of the general statutes, as amended by this act, shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Such report shall include an examination of how traffickers use the Internet to groom minors for purposes of human trafficking and sexual exploitation, and recommendations, including for legislation, to combat such online grooming.