

Connecticut 2017 Legislations on Human Trafficking



Public Act No. 17-32: AN ACT CONCERNING HUMAN TRAFFICKING.

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

Section 1. Section 46a-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

- (a) There is established a Trafficking in Persons Council that shall be within the Commission on Women, Children and Seniors for administrative purposes only.
- (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) the chairperson of the Commission on Women, Children and Seniors or the chairperson's designee; (14) one representative 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 [(16)] (18) ten public members appointed as follows: The Governor shall appoint two members, one of whom shall represent victims of commercial exploitation of children and one of whom shall represent sex trafficking victims who are children, 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 shall represent an organization that deals with behavioral health needs of women and children, the majority leader of the House of Representatives shall appoint one member who shall represent an organization that advocates on social justice and human rights issues, the minority leader of the Senate shall appoint one member who shall represent the Connecticut Immigrant and Refugee Coalition, and the minority leader of the House of Representatives shall appoint one member who shall represent the Motor Transport Association of Connecticut, Inc.
- (c) The chairperson of the Commission on Women, Children and Seniors, or a designee, shall serve as chairperson of the council. The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(d) The council shall: (1) Hold meetings to provide updates and progress reports, (2) coordinate the collection, analysis and dissemination of data regarding human trafficking, and (3) consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking and prosecute traffickers. The council shall meet at least three times per year.

(e) The council may request data and other information from state and local agencies to carry out its duties under this section.

(f) (1) The council shall:

(A) Develop a list of key indicators that a person is a victim of trafficking;

(B) Develop a standardized curriculum and conduct training for doctors, nurses, pharmacists, pharmacy technicians, emergency medical services personnel, teachers, school counselors, school administrators and personnel from the Department of Children and Families and the Department of Public Health to identify victims of human trafficking, using the list of key indicators developed under subparagraph (A) of this subdivision, and assist such victims;

(C) Develop and conduct training for personnel from the Departments of Children and Families and Public Health on methods for identifying children in foster care who may be at risk of becoming victims of trafficking;

(D) Develop a plan for mental health, support and substance abuse programs for individuals identified as victims of trafficking and those arrested for prostitution in violation of section 53a-82. The plan shall provide for (i) the diversion of victims of trafficking and prostitution offenders into community-based treatment and support services, including, but not limited to, substance abuse recovery, housing, healthcare, job training, treatment and mental health support, and (ii) after the successful completion of the program, the dismissal of any related criminal charges against the accused.

(2) The council shall include such plan and any recommendations for legislation to implement the plan as part of any report submitted pursuant of subsection (h) of this section not later than January 1, 2018.

(g) The council shall examine the challenges faced by victims of trafficking who are persons without legal immigration status. The council may recommend services that such persons could benefit from and legislation to provide such services as part of any report submitted pursuant to subsection (h) of this section.

[(f)] (h) Not later than January 1, 2008, and annually thereafter, the council shall submit a report of its activities, including any recommendations for legislation, to the General Assembly in accordance with section 11-4a.

[(g)] (i) For the purposes of this section, "trafficking" means all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor or other debt bondage.

Sec. 2. Section 53a-192a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) A person is guilty of trafficking in persons when such person (1) 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, [or] (2) 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, or (3) otherwise 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.

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

Sec. 3. Section 53a-83 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

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

(b) [Except as provided in subsection (c) of this section, patronizing] Patronizing a prostitute is a class A misdemeanor and any person found guilty shall be fined two thousand dollars.

[(c) Patronizing a prostitute is a class C felony if such other person (1) had not attained eighteen years of age, or (2) was the victim of conduct of another person that constitutes (A) trafficking in persons in violation of section 53a-192a, or (B) a criminal violation of 18 USC Chapter 77, as amended from time to time.]

Sec. 4. (NEW) (*Effective October 1, 2017*) (a) A person is guilty of commercial sexual abuse of a minor when: (1) Such person pays a fee to 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 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.

(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.

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

Sec. 5. Section 54-234a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) (1) The operator of any (A) establishment that provides massage services for a fee; (B) publicly or privately operated highway service plaza; [, any] (C) hotel, motel, inn or similar lodging; [or any] (D) public airport, as defined in section 15-74a; (E) acute care hospital emergency room; (F) urgent care facility; (G) station offering passenger rail service or passenger bus service; (H) business that sells or offers for sale materials or promotes performances intended for an adult-only audience; (I) employment agency, as defined in section 31-129, that offers personnel services to any other operator described in this subdivision; or (J) establishment that provides services performed by a nail technician, as defined in section 19a-231, and (2) each person who holds an on-premises consumption permit for the retail sale of alcoholic liquor pursuant to title 30, shall post the notice developed pursuant to subsection (b) of section 54-222 in plain view in a conspicuous location where [sales]

labor and services are provided or performed, tickets are sold and other transactions, including sales, are to be carried on.

(b) The provisions of subsection (a) of this section shall not apply to any person who holds an on-premises consumption permit for the retail sale of alcoholic liquor pursuant to title 30 that consists of only one or more of the following: (1) A caterer, [railroad,] boat, [airline,] military, charitable organization, special club, temporary liquor or temporary beer permit, or (2) a manufacturer permit for a farm winery, a manufacturer permit for beer, manufacturer permits for beer and brew pubs, or any other manufacturer permit issued under title 30.

(c) Any operator or person who fails to comply with the provisions of subsection (a) of this section shall be fined one hundred dollars for a first offense and two hundred fifty dollars for any subsequent offense, in addition to any proceedings for suspension or revocation of a license, permit or certificate that the appropriate authority may initiate under any other provision of law.

Sec. 6. (NEW) (*Effective October 1, 2017*) (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 law enforcement personnel, judges of the Superior Court, prosecutors, public defenders and other attorneys who represent criminal defendants, hospital emergency room staff and urgent care facility staff who have contact with patients and persons employed by a local or regional board of education or a constituent unit, as defined in section 10a-1 of the general statutes, 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 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. (*Effective from passage*) (a) The Attorney General, in consultation with the Commissioner of Administrative Services, the Secretary of the Office of Policy and Management and any other state agencies or interested parties the Attorney General deems necessary, shall develop a proposed certification for inclusion in state contracts that conforms, to the extent legally feasible, with the provisions of the federal Executive Order 13627 Strengthening Protections Against Trafficking in Persons in Federal Contracts.

(b) Not later than January 1, 2018, the Attorney General shall submit a report reflecting the proposed certification described in subsection (a) of this section, along with any recommendations concerning the proposed certification, to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and government administration, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 8. Section 53a-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) In any prosecution for prostitution in violation of section 53a-82 or patronizing a prostitute in violation of section 53a-83, as amended by this act, [or 53a-83a,] the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it shall be no defense that: (1) Such persons were of the same sex; or (2) the person who received, agreed to receive or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was a female.

(b) In any prosecution for patronizing a prostitute in violation of section 53a-83, as amended by this act, [or 53a-83a,] promoting prostitution in violation of section 53a-86, 53a-87 or 53a-88 or permitting prostitution in violation of section 53a-89, it shall be no defense that the person engaging or agreeing to engage in sexual conduct with another person in return for a fee could not be prosecuted for a violation of section 53a-82 on account of such person's age.

Sec. 9. Subsection (a) of section 54-36p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) The following property shall be subject to forfeiture to the state pursuant to subsection (b) of this section:

(1) All moneys used, or intended for use, in a violation of subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

(2) All property constituting the proceeds obtained, directly or indirectly, from a violation of subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

(3) All property derived from the proceeds obtained, directly or indirectly, from a violation of subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

(4) All property used or intended for use, in any manner or part, to commit or facilitate the commission of a violation of subdivision (3) of subsection (a) of section 53-21 or section 53a-83, as amended by this act, [53a-83a,] 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i.

Sec. 10. Sections 53a-83a and 54-36m of the general statutes are repealed. (*Effective October 1, 2017*)

Approved June 8, 2017