



House Bill No. 5666

Public Act No. 13-166

**AN ACT CONCERNING SEXUAL EXPLOITATION AND
TRAFFICKING IN PERSONS.**

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

Section 1. Section 54-36p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(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-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, [or] 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-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, [or] 53a-196c or 53a-196i;

(3) All property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from a violation of subdivision (3) of subsection (a) of section 53-21 or section 53a-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a,

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53a-196a, 53a-196b, [or] 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 for pecuniary gain of subdivision (3) of subsection (a) of section 53-21 or section 53a-82, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, [or] 53a-196c or 53a-196i.

(b) Not later than ninety days after the seizure of moneys or property subject to forfeiture pursuant to subsection (a) of this section, in connection with a lawful criminal arrest or a lawful search, the Chief State's Attorney or a deputy chief state's attorney, state's attorney or assistant or deputy assistant state's attorney may petition the court in the nature of a proceeding in rem to order forfeiture of such moneys or property. Such proceeding shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by clear and convincing evidence. The court shall identify the owner of such moneys or property and any other person as appears to have an interest therein, and order the state to give notice to such owner and any interested person, including any victim of the crime with respect to which such moneys or property were seized, by certified or registered mail. The court shall promptly, but not less than two weeks after such notice, hold a hearing on the petition. No testimony offered or evidence produced by such owner or interested person at such hearing and no evidence discovered as a result of or otherwise derived from such testimony or evidence may be used against such owner or interested person in any proceeding, except that no such owner or interested person shall be immune from prosecution for perjury or contempt committed while giving such testimony or producing such evidence. At such hearing, the court shall hear evidence and make findings of fact and enter conclusions of law and shall issue a final order from which the parties shall have such right of appeal as from a decree in equity.

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(c) No moneys or property shall be forfeited under this section to the extent of the interest of an owner or lienholder by reason of any act or omission committed by another person if such owner or lienholder did not know and could not have reasonably known that such moneys or property was being used or was intended to be used in, or was derived from, criminal activity.

(d) Notwithstanding the provisions of subsection (a) of this section, no moneys or property used or intended to be used by the owner thereof to pay legitimate attorney's fees in connection with his or her defense in a criminal prosecution shall be subject to forfeiture under this section.

(e) Any property ordered forfeited pursuant to subsection (b) of this section shall be sold at public auction conducted by the Commissioner of Administrative Services or the commissioner's designee.

(f) The proceeds from any sale of property under subsection (e) of this section and any moneys forfeited under this section shall be applied: (1) To payment of the balance due on any lien preserved by the court in the forfeiture proceedings; (2) to payment of any costs incurred for the storage, maintenance, security and forfeiture of any such property; and (3) to payment of court costs. The balance, if any, shall be deposited in the [General Fund] Criminal Injuries Compensation Fund established in section 54-215.

Sec. 2. Section 53a-192a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) A person is guilty of trafficking in persons when such person [commits] compels or induces another person to engage in conduct involving more than one occurrence of 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 (1) the use of force against

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such other person or a third person, or by the threat of use of force against such other person or a third person, (2) fraud, or (3) coercion, as provided in section 53a-192. [and the other person is compelled or induced to (1) engage in conduct that constitutes a violation of section 53a-82, or (2) provide labor or services.] For the purposes of this subsection, "sexual contact" means any contact with the intimate parts of another person.

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

Sec. 3. Section 53a-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) A person sixteen years of age or older is guilty of prostitution when such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(b) In any prosecution for an offense under this section, it shall be an affirmative defense that the actor was [coerced into committing such offense] a victim of conduct by another person [in] that constitutes (1) a violation of section 53a-192a, as amended by this act, or (2) a criminal violation of 18 USC Chapter 77, as amended from time to time.

(c) In any prosecution of a person sixteen or seventeen years of age for an offense under this section, there shall be a presumption that the actor was [coerced into committing such offense] a victim of conduct by another person [in] that constitutes (1) a violation of section 53a-192a, as amended by this act, or (2) a criminal violation of 18 USC Chapter 77, as amended from time to time.

(d) Nothing in this section shall limit a person's right to assert the defense of duress pursuant to section 53a-14 in any prosecution for an offense under this section.

[(d)] (e) Prostitution is a class A misdemeanor.

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Sec. 4. Section 53a-83 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

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

(b) [Patronizing] Except as provided in subsection (c) of this section, patronizing a prostitute is a class A misdemeanor.

(c) Patronizing a prostitute is a class C felony if such person knew or reasonably should have known at the time of the offense that 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, as amended by this act, or (B) a criminal violation of 18 USC Chapter 77, as amended from time to time.

Sec. 5. (NEW) (*Effective October 1, 2013*) At any time after a judgment of conviction is entered pursuant to section 53a-82 of the general statutes, as amended by this act, the defendant may apply to the Superior Court to vacate the judgment of conviction on the basis that, at the time of the offense, the defendant was a victim of conduct of another person that constitutes (1) trafficking in persons under section 53a-192a of the general statutes, 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 the judgment of conviction, the court shall afford the prosecutor a reasonable opportunity to investigate the defendant's claim and an

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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 the 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 of the general statutes or any other provision of the general statutes.

Sec. 6. Section 54-222 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) The Office of the Chief Court Administrator shall develop a concise [, bilingual] card or brochure concerning information to victims of crime concerning their rights as victims and any services available to them. The Office of Victim Services shall distribute such cards or brochures to municipalities and the state police who shall distribute such cards or brochures to crime victims.

(b) The Office of the Chief Court Administrator shall develop a concise notice concerning services available to victims of human trafficking. Such notice shall indicate that any person who is forced to engage in any activity and who cannot leave may contact a state or federal anti-trafficking hotline, and shall indicate the toll-free telephone numbers for such hotlines. The office shall make copies of such notice available to persons who are required to post such notice pursuant to section 7 of this act.

Sec. 7. (NEW) (*Effective October 1, 2013*) (a) On and after the date a notice is developed and made available pursuant to subsection (b) of section 54-222 of the general statutes, as amended by this act, each truck stop and each person who holds an on-premises consumption

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permit for the retail sale of alcoholic liquor pursuant to title 30 of the general statutes shall post the notice in plain view in a conspicuous location where sales are to be carried on. For the purposes of this section, "truck stop" means a privately-owned and operated facility where food, fuel, lawful overnight truck parking and shower and laundry facilities are offered.

(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 of the general statutes 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, (2) a restaurant permit, restaurant permit for beer, restaurant permit for wine and beer or cafe permit, or (3) 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 of the general statutes.

Sec. 8. (*Effective from passage*) The Office of Victim Services shall conduct an analysis of the compensation and restitution services provided to victims of sexual exploitation and human trafficking under sections 54-201 to 54-235, inclusive, of the general statutes, and shall determine whether legislation should be enacted to enhance such compensation and services in order to address the needs of such victims. Not later than January 15, 2014, the office shall submit a report, in accordance with section 11-4a of the general statutes, on its analysis and recommended amendments to the general statutes to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary.

Sec. 9. Subsection (b) of section 46a-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) [The] (1) Prior to the effective date of this section, the council shall consist of the following members: The Attorney General, the Chief State's Attorney, the Chief Public Defender, the Commissioner of Emergency Services and Public Protection, the Labor Commissioner, the Commissioner of Social Services, the Commissioner of Public Health, the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families, the Child Advocate, the Victim Advocate, the chairperson of the Commission on Children, the chairperson of the Permanent Commission on the Status of Women, the chairperson of the Latino and Puerto Rican Affairs Commission, the chairperson of the African-American Affairs Commission, three representatives of the Judicial Branch appointed by the Chief Court Administrator, one of whom shall represent the Office of Victim Services and one of whom shall represent the Court Support Services Division, and a municipal police chief appointed by the Connecticut Police Chiefs Association, or a representative of any such member who has been designated in writing by such member to serve as such member's representative, and seven public members appointed as follows: The Governor shall appoint one member who shall represent Connecticut Sexual Assault Crisis Services, Inc., the president pro tempore of the Senate shall appoint one member who shall represent an organization that provides civil legal services to low-income individuals, the speaker of the House of Representatives shall appoint one member who shall represent the Connecticut Coalition Against Domestic Violence, 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 Asian-American

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community.

(2) On and after the effective date of this section, the council shall consist of the following members: (A) The Chief State's Attorney, or a designee; (B) the Chief Public Defender, or a designee; (C) the Commissioner of Emergency Services and Public Protection, or the commissioner's designee; (D) the Labor Commissioner, or the commissioner's designee; (E) the Commissioner of Social Services, or the commissioner's designee; (F) the Commissioner of Public Health, or the commissioner's designee; (G) the Commissioner of Mental Health and Addiction Services, or the commissioner's designee; (H) the Commissioner of Children and Families, or the commissioner's designee; (I) the Child Advocate, or the Child Advocate's designee; (J) the Victim Advocate, or the Victim Advocate's designee; (K) the chairperson of the Permanent Commission on the Status of Women, or the chairperson's designee; (L) one representative of the Office of Victim Services of the Judicial Branch appointed by the Chief Court Administrator; (M) a municipal police chief appointed by the Connecticut Police Chiefs Association, or a designee; and (N) seven public members appointed as follows: The Governor shall appoint one member who shall represent Connecticut Sexual Assault Crisis Services, Inc., the president pro tempore of the Senate shall appoint one member who shall represent an organization that provides civil legal services to low-income individuals, the speaker of the House of Representatives shall appoint one member who shall represent the Connecticut Coalition Against Domestic Violence, 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

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of the House of Representatives shall appoint one member who shall represent the Motor Transport Association of Connecticut, Inc.

Sec. 10. (NEW) (*Effective from passage*) The Trafficking in Persons Council established in section 46a-170 of the general statutes, as amended by this act, shall meet not later than September 1, 2013, to study data relating to trafficking in persons offenses in this state. The council shall examine the provisions of the general statutes related to trafficking in persons and identify deficiencies, if any, in the general statutes related to trafficking in persons. If the council identifies deficiencies in the provisions of the general statutes related to trafficking in persons, the council shall develop proposed legislation to address such deficiencies. Not later than January 1, 2014, the council shall submit a report on its findings and any recommendations for legislation to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary in accordance with the provisions of section 11-4a of the general statutes.

Approved June 24, 2013