



Substitute House Bill No. 5621

Public Act No. 16-71

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 Section 46a-170 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) There is established a Trafficking in Persons Council that shall be within the Permanent Commission on the Status of Women 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

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Training Council, or the director's designee; (11) the Child Advocate, or the Child Advocate's designee; [(10)] (12) the Victim Advocate, or the Victim Advocate's designee; [(11)] (13) the chairperson of the Permanent Commission on the Status of Women, or the chairperson's designee; [(12)] (14) one representative of the Office of Victim Services of the Judicial Branch appointed by the Chief Court Administrator; [(13)] (15) a municipal police chief appointed by the Connecticut Police Chiefs Association, or a designee; and [(14)] (16) nine public members appointed as follows: The Governor shall appoint [three] two members, [one of whom shall represent Connecticut Sexual Assault Crisis Services, Inc.,] 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 [one member who] 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 [one member who] 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 Permanent Commission on the Status of Women shall serve as chairperson of the council. The members of the

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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) [identify criteria for providing services to adult trafficking victims, (3) identify criteria for providing services to children of trafficking victims] coordinate the collection, analysis and dissemination of data regarding human trafficking, and ~~[(4)]~~ (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) 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) 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. (NEW) (*Effective from passage*) (a) Not later than October 1, 2016, and annually thereafter, each state's attorney and each municipal chief of police shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the

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General Assembly having cognizance of matters relating to the judiciary and children on: (1) All participation in federal, state-wide or regional anti-human trafficking efforts, (2) the number of referrals made relating to allegations of human trafficking, (3) the criteria used when deciding whether to investigate allegations of human trafficking or initiate criminal proceedings related to human trafficking, (4) coordination of efforts between the Office of the Chief State's Attorney and municipal police departments concerning human trafficking cases, (5) the nature of annual training provided by each state's attorney and municipal police department concerning human trafficking, (6) obstacles to investigating human trafficking, (7) the number of investigations involving missing children, (8) the number of referrals from the Department of Children and Families relating to human trafficking, and (9) the number of human trafficking cases referred for prosecution.

(b) In addition, each state's attorney shall include with such report (1) the number of human trafficking cases that resulted in convictions, and (2) the final disposition of all human trafficking cases, including those cases that were appealed. Data and information provided pursuant to this section shall be for the twelve-month period preceding the date of the report.

Sec. 3. (NEW) (*Effective October 1, 2016*) The operator of each hotel, motel, inn or similar lodging shall maintain a record-keeping system of all guest transactions and receipts. All records maintained pursuant to this section shall be retained by the operator of such hotel, motel, inn or similar lodging for not less than six months from the date of creation of the record.

Sec. 4. (NEW) (*Effective October 1, 2016*) The Commissioner of Children and Families and the Commissioner of Emergency Services and Public Protection shall consult with state and national hotel and lodging associations to recommend an educational training program

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and refresher training program for the accurate and prompt identification and reporting of suspected human trafficking. The training program shall include a video presentation, developed and approved by said commissioners, that offers guidance to employees of hotels, motels, inns and similar lodgings on the (1) recognition of potential victims of human trafficking, and (2) activities commonly associated with human trafficking.

Sec. 5. (NEW) (*Effective October 1, 2016*) The operator of each hotel, motel, inn or similar lodging shall ensure that each employee of such hotel, motel, inn or similar lodging receive training at the time of hire on the (1) recognition of potential victims of human trafficking, and (2) activities commonly associated with human trafficking. In addition, such operator shall conduct ongoing awareness campaigns for employees on the activities commonly associated with human trafficking. On or before October 1, 2017, and annually thereafter, the operator of each hotel, motel, inn or similar lodging shall certify that each employee of any such establishment has received the training prescribed by this section in each employee's personnel file.

Sec. 6. Section 53a-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person [sixteen] eighteen 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 a victim of conduct by another person that constitutes (1) a violation of section 53a-192a, 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

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for an offense under this section, there shall be a presumption that the actor was a victim of conduct by another person that constitutes (1) a violation of section 53a-192a, or (2) a criminal violation of 18 USC Chapter 77, as amended from time to time.]

[(d)] (c) 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.

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

Sec. 7. Section 53a-83 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(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) Except as provided in subsection (c) of this section, 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 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.

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Sec. 8. Section 53a-83a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person is guilty of patronizing a prostitute from a motor vehicle when he, while occupying a motor vehicle: (1) Pursuant to a prior understanding, pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him; or (2) 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) solicits or requests another person to engage in sexual conduct with him in return for a fee; or (4) engages in sexual conduct for which a fee was paid or agreed to be paid.

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

Sec. 9. Section 53a-90a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person is guilty of enticing a minor when such person uses an interactive computer service to knowingly persuade, induce, entice or coerce any person (1) under [sixteen] eighteen years of age, or (2) who the actor reasonably believes to be under eighteen years of age, to engage in prostitution or sexual activity for which the actor may be charged with a criminal offense. For purposes of this section, "interactive computer service" means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(b) (1) Except as provided in subdivision (2) of this subsection,

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enticing a minor is a class D felony for a first offense, a class C felony for a second offense and a class B felony for any subsequent offense.

(2) Enticing a minor is a class B felony if the victim of the offense is under thirteen years of age and any person found guilty of such class B felony shall, for a first offense, be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court and, for any subsequent offense, be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court.

Sec. 10. Section 54-234a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) [On and after the date a notice is developed and made available pursuant to subsection (b) of section 54-222, each truck stop] The operator of any publicly or privately operated highway service plaza, any hotel, motel, inn or similar lodging or any business that sells or offers for sale materials or promotes performances intended for an adult-only audience and 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 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 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)] or (2) a

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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.

Sec. 11. Subsection (a) of section 54-36p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(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, as amended by this act, 53a-189a, 53a-189b, 53a-192a, as amended by this act, 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-82,] 53a-86, 53a-87, 53a-88, 53a-90a, as amended by this act, 53a-189a, 53a-189b, 53a-192a, as amended by this act, 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-82,] 53a-86, 53a-87, 53a-88, 53a-90a, as amended by this act, 53a-189a, 53a-189b, 53a-192a, as amended by this act, 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-82] 53a-83, as amended by this act, 53a-83a, as amended by this act, 53a-86, 53a-87, 53a-88, 53a-90a, as amended by this act, 53a-189a, 53a-189b, 53a-192a, as amended by this act, 53a-196a, 53a-196b, 53a-196c or 53a-196i.

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Sec. 12. Section 53a-192a of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person is guilty of trafficking in persons when such person (1) 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 (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 [more than one occurrence of] sexual contact with one or more third persons that constitutes [(A) prostitution, or (B)] sexual contact for which such third person may be charged with a criminal offense. 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. 13. Subsection (j) of section 46b-38c of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(j) The Judicial Department shall establish an ongoing training program for judges, Court Support Services Division personnel, guardians ad litem and clerks to inform them about the policies and procedures of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and 54-1g, including, but not limited to, the function of the family violence intervention units and the use of restraining and protective orders. Such training program shall include an examination of the factors that contribute to a family being at risk for episodes of domestic violence within the family. The Judicial Branch may consult with organizations

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that advocate on behalf of victims of domestic violence in order to ensure that the training includes information on the unique characteristics of family violence crimes.

Sec. 14. Subsection (a) of section 53a-40e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) If any person is convicted of (1) a violation of subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b [] or 53a-183, subdivision (2) of subsection (a) of section 53a-192a, as amended by this act, section 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said sections or section 53a-54a, or (2) any crime that the court determines constitutes a family violence crime, as defined in section 46b-38a, or attempt or conspiracy to commit any such crime, the court may, in addition to imposing the sentence authorized for the crime under section 53a-35a or 53a-36, if the court is of the opinion that the history and character and the nature and circumstances of the criminal conduct of such offender indicate that a standing criminal protective order will best serve the interest of the victim and the public, issue a standing criminal protective order which shall remain in effect for a duration specified by the court until modified or revoked by the court for good cause shown. If any person is convicted of any crime not specified in subdivision (1) or (2) of this subsection, the court may, for good cause shown, issue a standing criminal protective order pursuant to this subsection.

Sec. 15. Section 54-95c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

At any time after a judgment of conviction is entered pursuant to section 53a-82, the defendant may apply to the Superior Court to

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vacate [the] any judgment of conviction on the basis that [, at the time of the offense, the defendant was] 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 [the] 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 [the] 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.

Sec. 16. Section 53a-86 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person is guilty of promoting prostitution in the first degree when he knowingly: (1) Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from coercive conduct by another; or (2) advances or profits from prostitution of a person less than eighteen years old.

(b) Promoting prostitution in the first degree is a class B felony. Any person found guilty under subdivision (2) of subsection (a) of this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court and shall be fined fifteen thousand dollars.

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Sec. 17. Section 53a-87 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person is guilty of promoting prostitution in the second degree when he knowingly advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes.

(b) Promoting prostitution in the second degree is a class C felony and any person found guilty shall be fined ten thousand dollars.

Sec. 18. Section 53a-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person is guilty of promoting prostitution in the third degree when he knowingly advances or profits from prostitution.

(b) Promoting prostitution in the third degree is a class D felony and any person found guilty shall be fined five thousand dollars.

Sec. 19. Section 53a-89 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A person is guilty of permitting prostitution when, having possession or control of premises which he knows are being used for prostitution purposes, he fails to make reasonable effort to halt or abate such use.

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

Approved June 1, 2016