



General Assembly

Governor's Bill No. 5052

February Session, 2016

LCO No. 570

00570_____

Referred to Committee on JUDICIARY

Introduced by:

REP. SHARKEY, 88th Dist.

REP. ARESIMOWICZ, 30th Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

AN ACT STRENGTHENING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING. Be it enacted by the Senate and House of Representatives in General Assembly convened: Section

1. Section 53a-90a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2016):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 years of age, or (2) whom he or she reasonably believed to be under sixteen 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, 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. 2. Section 53a-192a of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2016):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] one or more occurrences 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. 3. 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] subsections (c) and (d) 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.

(d) Patronizing a trafficked minor is a class B felony if such person knew or reasonably should have known at the time of the offense that such minor (1) had not attained eighteen years of age, and (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. 4. 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. 5. (NEW) (Effective October 1, 2016) The operator of each hotel, motel, inn or similar lodging shall maintain a computerized 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



This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2016	53a-90a
Sec. 2	October 1, 2016	53a-192a
Sec. 3	October 1, 2016	53a-83
Sec. 4	October 1, 2016	53a-40e(a)

Sec. 5

October 1, 2016

New section

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]