



State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Deborah Del Prete Sullivan, Legal Counsel
Office of Chief Public Defender
Judiciary Committee – April 1, 2019

S.B. 7399, An Act Concerning Legal Protections for the Victims of Human Trafficking and the Protection of Minors From Cyber Exploitation

The Office of Chief Public Defender generally supports most of the provisions of *S.B. 7399, An Act Concerning Legal Protections for the Victims of Human Trafficking and the Protection of Minors From Cyber Exploitation*. As a member of the Trafficking in Persons Council, I am supportive of the work by the Council to protect minor victims of trafficking. I will focus on certain sections of the bill which this office, Love 146 and other members supported as a Recommendation. ¹

This office requests that the sections discussed in this testimony, together with the **JFS language suggested for Section 2**, receive a favorable report. This office remains committed to work on the bill with the Chief State's Attorney's office and any other groups so that the bill can make it out of committee as a work in progress. This will allow the important issues raised to be resolved favorably for minors who are human trafficking victims.

¹ The following recommendation, the focus of this testimony, did not have a full consensus:

"Recommend providing privileged communication when working with victims of human trafficking, affirmative defense, and immunity from prosecution to best meet their need for safety.

(Abstain: Grace Farms Foundation, Connecticut Institute for Refugees and Immigrants, Department of Public Health, Chief State's Attorney's Office)"

The Office of Chief Public does not take a position on sections of the bill except as follows:

Section 1 – The Office of Chief Public Defender supports this section.

Section 2 –The Office of Chief Public Defender **opposes subsection (c) of Section 2** as drafted because it make disclosure to the trafficked child’s counsel of record, discretionary.

This office suggests the following as JFS language which this office and Love 146 have agreed to and which would provide access to the trafficked child’s counsel of record:

A child anti-trafficking counselor shall not disclose any confidential communications made to such counselor at any time by a victim in any civil or criminal case or proceeding or in any legislative or administrative proceeding *except as to counsel of record* for a victim of child trafficking in a juvenile delinquency or criminal prosecution in the adult court unless as required by law. The provision of documents to the counsel of record for a victim of child trafficking does not negate the confidentiality outlined in this section.”

The Office of Chief Public Defender **supports** the new definitions as contained in subsection (a)(1), (a)(2) and (a)(9).

Section 8 – The Office of Chief Public Defender **supports** this section which provides immunity to a person in any delinquency proceeding. The statute is unclear as to whether the discretion to grant immunity is available in delinquency proceedings. This section clarifies to make it applicable. This is important to protect trafficked minors who may have been involved in criminal conduct. Once arrested, the minor may have information wanted by the state. However in disclosing the information, the minor could be incriminating themselves. This allows the state to grant the minor immunity in such instances.

Section 9 – The Office of Chief Public Defender **support** this section which would create an affirmative defense to a trafficked minor in a delinquency proceeding. The affirmative

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defense could only be asserted if there was a trial. If asserted at trial, the minor would argue that their participation in certain criminal conduct was the result of their being trafficked.

Thank you.