

## Connecticut State Report State Ratings 2014

The Polaris annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

**Rating:** Tier One (green)

**Total Points:** 11

**Credited Categories:** 1 Sex Trafficking; 2 Labor Trafficking; 3(a) Asset Forfeiture; 3(b) Investigative Tools; 4(a) Training for Law Enforcement; 4(b) Human Trafficking Task Force; 6 Posting of a Hotline; 7 Safe Harbor for Minors; 8 Victim Assistance; 9 Civil Remedy; and 10 Vacating Convictions.

**Categories Still Needed** 5 No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors

**Category By Category Break-Down:**

### Category 1: Sex Trafficking Statute

#### **§53a-192. Coercion: Class A misdemeanor or class D felony.**

(a) A person is guilty of coercion when he compels or induces another person to engage in conduct which such other person has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which such other person has a legal right to engage, by means of instilling in such other person a fear that, if the demand is not complied with, the actor or another will:

- (1) commit any criminal offense; or
- (2) accuse any person of a criminal offense; or
- (3) expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair any person's credit or business repute; or
- (4) take or withhold action as an official, or cause an official to take or withhold action.

(b) It shall be an affirmative defense to prosecution based on subdivision (2), (3) or (4) of subsection (a) of this section that the actor believed the accusation or secret to be true or the proposed official action justified and that his purpose was limited to compelling the other person to behave in a way reasonably related to the circumstances which were the subject of the accusation, exposure or proposed official action, as by desisting from further misbehavior or making good a wrong done.



(c) Coercion is a class A misdemeanor except, if the threat is to commit a felony, coercion is a class D felony.

**§53a-192a. Trafficking in persons: Class B felony.**

(a) A person is guilty of trafficking in persons when such person 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 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.

**Category 2: Labor Trafficking Statute**

Yes. See §53a-192a.

**Category 3(a): Asset Forfeiture**

**§54-36p. Forfeiture of moneys and property related to sexual exploitation and human trafficking. In rem proceeding. Disposition.**

(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-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b or 53a-196c;

(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-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b or 53a-196c;

(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-86, 53a-87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b or 53a-196c;

(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-86, 53a-87, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b or 53a-196c.

(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.

(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.

### **Category 3(b): Investigative Tools**

#### **§53-394. Definitions.**

(a) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to intentionally aid, solicit, coerce or intimidate another person to commit any crime which, at the time of its commission, was a felony chargeable by indictment or information under the following provisions of the general statutes then applicable:

(19) section 53a-192a, relating to trafficking in persons.

(b) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is incurred or contracted:

(1) In violation of any of the following provisions of law: (A) Sections 53-278a to 53-278f, inclusive, relating to gambling activity; (B) chapter 663, relating to interest violations; or

(2) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

(c) "Enterprise" means any individual, sole proprietorship, corporation, business trust, union chartered under the laws of this state or other legal entity, or any unchartered union, association or group of individuals associated in fact although not a legal entity, and includes illicit as well as licit enterprises and governmental, as well as other entities. In determining whether any unchartered union, association or group of individuals exists, factors which may be considered as evidence of association include, but are not limited to: (1) A common name or identifying sign, symbols or colors and (2) rules of behavior for individual members.



(d) "Person" includes any individual or entity, governmental, business or other, capable of holding a legal or beneficial interest in property.

(e) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering activity that have the same or similar purposes, results, participants, victims or methods of commission or otherwise are interrelated by distinguishing characteristics, including a nexus to the same enterprise, and are not isolated incidents, provided the latter or last of such incidents occurred after October 1, 1982, and within five years after a prior incident of racketeering activity.

(f) "State's attorney" means the Chief State's Attorney, a deputy chief state's attorney, any state's attorney or any assistant state's attorney.

(g) "Property" includes any property, real or personal, or any interest therein or any beneficial interest of whatever kind.

#### **§ 54-41b. Application for order authorizing interception (Wiretapping)**

The Chief State's Attorney or the state's attorney for the judicial district in which the interception is to be conducted may make application to a panel of judges for an order authorizing the interception of any wire communication by investigative officers having responsibility for the investigation of offenses as to which the application is made when such interception may provide evidence of the commission of offenses involving gambling, bribery, violations of section 53-395, violations of section 21a-277, felonious crimes of violence or felonies involving the unlawful use or threatened use of physical force or violence committed with the intent to intimidate or coerce the civilian population or a unit of government.

#### **Category 4(a): Training for Law Enforcement**

##### **§46a-4b. Training program on trafficking in persons.**

The Permanent Commission on the Status of Women, in conjunction with the Police Officer Standards and Training Council, shall develop a training program on trafficking in persons and make such training program available, upon request, to the Division of State Police within the Department of Public Safety, the office of the Chief State's Attorney, local police departments and community organizations.

#### **Category 4(b): Human Trafficking Task Force**

##### **§ 46a-170. Trafficking in Persons Council. Membership. Duties. Report.**

(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: 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 community.

(c) The chairperson of the Permanent Commission on the Status of Women 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) identify criteria for providing services to adult trafficking victims, (3) identify criteria for providing services to children of trafficking victims, and (4) 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.

#### **Category 5: No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors**

None.

#### **Category 6: Posting of a Human Trafficking Hotline**

##### **§ 54-222. Brochure re rights of victims and victim services. Notice concerning services for victims of human trafficking.**

(a) 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 54-234a.

(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 54-234a.

**§ 54-234a. Display of notice re services for victims of human trafficking at truck stops and liquor permittee premises.**

(a) On and after the date a notice is developed and made available pursuant to subsection (b) of section 54-222, each truck stop 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 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) 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.

**Category 7: Safe Harbor**

**§ 53a-82. Prostitution: Class A misdemeanor.**

(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 by another person in violation of section 53a-192a.

(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 by another person in violation of section 53a-192a.

(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.

(e) Prostitution is a class A misdemeanor.

**Substitute HB 5040 (2014), Public Act No. 14-186**

**Sec. 3**

The Commissioner of Children and Families may: (1) Provide child welfare services for any minor child residing in the state who is identified by the Department of Children and Families as a victim of trafficking, as defined in section 46a-170 of the general statutes; and (2) provide appropriate services to a minor child residing in the state who the Department of Children and





Families reasonably believes may be a victim of trafficking in order to safeguard the welfare of such minor child. For purposes of this section and section 17a-106a of the general statutes, "minor child" means any person under eighteen years of age.

(b) The Commissioner of Children and Families may, within available appropriations, provide training to law enforcement officials regarding the trafficking of minor children. The training shall include, but not be limited to, (1) awareness and compliance with the laws and protocols concerning trafficking of minor children, (2) identification of, access to and provision of services for minor children who are victims of trafficking, and (3) any other services the department deems necessary to carry out the provisions of this section and section 17a-106a of the general statutes, as amended by this act.

### **Category 8: Victim Assistance**

#### **§54-234. Development of response system for victims of offense of trafficking in persons.**

(a) The Office of Victim Services within the Judicial Department shall, within available appropriations, contract with nongovernmental organizations to develop a coordinated response system to assist victims of the offense of trafficking in persons.

(b) Such contracts shall be entered into for the following purposes, including, but not limited to:

- (1) Developing a uniform curriculum to address rights and services for such victims;
- (2) Developing information and materials on available resources and services for such victims;
- (3) Actively seeking out quality training and other educational opportunities regarding the identification and assistance of such victims that take into consideration such victims' cultural context and needs; and
- (4) Promoting and disseminating information on training and other educational opportunities concerning the assistance of such victims to emergency medical services, faith-based communities, sexual assault service providers, domestic violence service providers and state and local governmental agencies.

### **Category 9: Civil Remedy**

#### **§ 52-571i. Action for damages resulting from trafficking in persons.**

Any person aggrieved by a violation of section 53a-192a may bring a civil action in the superior court for the judicial district where such person resides or the judicial district of Hartford against the person or persons who committed such violation to recover actual damages, statutory damages of not more than one thousand dollars for each day such person was coerced by another person in violation of section 53a-192a and a reasonable attorney's fee.

### **Category 10: Vacating Convictions**

**54-95c - Application to vacate prostitution conviction on basis of being a victim of trafficking in persons. Prosecutor's response. Court order.** 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 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.

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If you would like assistance in enacting laws to fill in the gaps, please contact the Polaris Policy Program at [policy@polarisproject.org](mailto:policy@polarisproject.org).