



House Bill No. 6849

Public Act No. 15-195

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 Section 19a-112b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

The Department of Public Health shall provide to victims of a sexual act constituting a violation of section 53-21, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, [or] 53a-73a or 53a-192a, as amended by this act, regardless of whether any person is convicted or adjudicated delinquent for such violation, the following services: (1) Counseling regarding human immunodeficiency virus and acquired immune deficiency syndrome; (2) HIV-related testing; and (3) referral service for appropriate health care and support services. Such services shall be provided through counseling and testing sites funded by the Department of Public Health.

Sec. 2. Subsection (b) of section 46a-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

[(b) (1) Prior to June 24, 2013, the council shall consist of the following members: The Attorney General, the Chief State's Attorney,

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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.]

[(2) On and after June 24, 2013, the] (b) The council shall consist of

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the following members: [(A)] (1) The Chief State's Attorney, or a designee; [(B)] (2) the Chief Public Defender, or a designee; [(C)] (3) the Commissioner of Emergency Services and Public Protection, or the commissioner's designee; [(D)] (4) the Labor Commissioner, or the commissioner's designee; [(E)] (5) the Commissioner of Social Services, or the commissioner's designee; [(F)] (6) the Commissioner of Public Health, or the commissioner's designee; [(G)] (7) the Commissioner of Mental Health and Addiction Services, or the commissioner's designee; [(H)] (8) the Commissioner of Children and Families, or the commissioner's designee; [(I)] (9) the Child Advocate, or the Child Advocate's designee; [(J)] (10) the Victim Advocate, or the Victim Advocate's designee; [(K)] (11) the chairperson of the Permanent Commission on the Status of Women, or the chairperson's designee; [(L)] (12) one representative of the Office of Victim Services of the Judicial Branch appointed by the Chief Court Administrator; [(M)] (13) a municipal police chief appointed by the Connecticut Police Chiefs Association, or a designee; and [(N) seven] (14) nine public members appointed as follows: The Governor shall appoint [one member who] three 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 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

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

Sec. 3. Section 46b-146 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Whenever any child has been convicted as delinquent, has been adjudicated a member of a family with service needs or has signed a statement of responsibility admitting to having committed a delinquent act, and has subsequently been discharged from the supervision of the Superior Court or from the custody of the Department of Children and Families or from the care of any other institution or agency to whom the child has been committed by the court, such child, or the child's parent or guardian, may file a petition with the Superior Court. If such court finds (1) (A) that at least two years or, in the case of a child convicted as delinquent for the commission of a serious juvenile offense, four years have elapsed from the date of such discharge, ~~[(2)]~~ (B) that no subsequent juvenile proceeding or adult criminal proceeding is pending against such child, ~~[(3)]~~ (C) that such child has not been convicted of a delinquent act that would constitute a felony or misdemeanor if committed by an adult during such two-year or four-year period, ~~[(4)]~~ (D) that such child has not been convicted as an adult of a felony or misdemeanor during such two-year or four-year period, and ~~[(5)]~~ (E) that such child has reached eighteen years of age, or (2) that such child has a criminal record as a result of being a victim of conduct by another person that constitutes a violation of section 53a-192a, as amended by this act, or a criminal violation of 18 USC Chapter 77, the court shall order all police and court records pertaining to such child to be erased. Upon the entry of such an erasure order, all references including arrest, complaint, referrals, petitions, reports and orders, shall be removed from all agency, official and institutional files, and a finding of delinquency or

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that the child was a member of a family with service needs shall be deemed never to have occurred. The persons in charge of such records shall not disclose to any person information pertaining to the record so erased, except that the fact of such erasure may be substantiated where, in the opinion of the court, it is in the best interests of such child to do so. No child who has been the subject of such an erasure order shall be deemed to have been arrested ab initio, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the delinquency or family with service needs proceedings affecting such child. Whenever a child is dismissed as not delinquent or as not being a member of a family with service needs, all police and court records pertaining to such charge shall be ordered erased immediately, without the filing of a petition. Nothing in this section shall prohibit the court from granting a petition to erase a child's records on a showing of good cause, after a hearing, before the time when such records could be erased.

Sec. 4. Section 53a-192a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(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 [(1)] (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, [(2)] (B) fraud, or [(3)] (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)

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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. 5. Section 54-41b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

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 53a-70c, violations of subsection (a) of section 53a-90a, violations of section 53a-192a, as amended by this act, violations of section 53a-196, 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.

Sec. 6. Subsection (a) of section 54-211 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) (1) No order for the payment of compensation shall be made under section 54-210 unless (A) the application has been made within two years after the date of the personal injury or death, (B) the personal injury or death was the result of an incident or offense listed in section 54-209, and (C) such incident or offense has been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within such period,

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within five days of the time when a report could reasonably have been made, except that a victim of a sexual assault shall not be ineligible for the payment of compensation by reason of failing to make a report pursuant to this subparagraph if such victim presented himself or herself to a health care facility within seventy-two hours of such sexual assault for examination and collection of evidence of such sexual assault in accordance with the provisions of section 19a-112a. (2) Notwithstanding the provisions of subdivision (1) of this subsection, any person who, before, on or after October 1, 2005, fails to make application for compensation within two years after the date of the personal injury or death as a result of physical, emotional or psychological injuries caused by such personal injury or death may apply for a waiver of such time limitation. The Office of Victim Services, upon a finding of such physical, emotional or psychological injury, may grant such waiver. (3) Notwithstanding the provisions of subdivision (1) of this subsection, any minor, including, but not limited to, a minor who is a victim of conduct by another person that constitutes a violation of section 53a-192a, as amended by this act, or a criminal violation of 18 USC Chapter 77, who, before, on or after October 1, 2005, fails to make application for compensation within two years after the date of the personal injury or death through no fault of the minor, may apply for a waiver of such time limitation. The Office of Victim Services, upon a finding that such minor is not at fault, may grant such waiver. (4) Notwithstanding the provisions of subdivision (1) of this subsection, a person who is a dependent of a victim may make application for payment of compensation not later than two years from the date that such person discovers or in the exercise of reasonable care should have discovered that the person upon whom the applicant was dependent was a victim or ninety days after May 26, 2000, whichever is later. Such person shall file with such application a statement signed under penalty of false statement setting forth the date when such person discovered that the person upon whom the applicant was dependent was a victim and the circumstances that

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prevented such person discovering that the person upon whom the applicant was dependent was a victim until more than two years after the date of the incident or offense. There shall be a rebuttable presumption that a person who files such a statement and is otherwise eligible for compensation pursuant to sections 54-201 to 54-233, inclusive, is entitled to compensation. (5) Any waiver denied by the Office of Victim Services under this subsection may be reviewed by a victim compensation commissioner, provided such request for review is made by the applicant within thirty days from the mailing of the notice of denial by the Office of Victim Services. If a victim compensation commissioner grants such waiver, the commissioner shall refer the application for compensation to the Office of Victim Services for a determination pursuant to section 54-205. (6) Notwithstanding the provisions of subdivision (1), (2) or (3) of this subsection, the Office of Victim Services may, for good cause shown and upon a finding of compelling equitable circumstances, waive the time limitations of subdivision (1) of this subsection.

Approved July 2, 2015