

**PA13-166**

HB5666

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the members voted? Will the members please check the board to determine if their vote has been properly cast. If all members have voted the machine will be locked and the Clerk will take a tally. The Clerk will please announce the tally.

THE CLERK:

Substitute House Bill 6572.

Total Number Voting 144

Necessary for Adoption 73

Those voting aye 112

Those voting nay 32

Absent and not voting 6

DEPUTY SPEAKER RITTER:

The bill passes. Will the Clerk please call calendar number 500.

THE CLERK:

On page 18, Calendar number 500, favorable joint -- joint favorable -- excuse me -- favorable report of the joint standing Committee on Judiciary, House Bill 5666, AN ACT CONCERNING THE FOREIT OF MONIES AND PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING.

DEPUTY SPEAKER RITTER:

Representative Fox, you have the floor, Sir.

REP. FOX (146th):

Thank you, Madam Speaker. I move for the acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER RITTER:

The question is acceptance of the joint committee's favorable report and passage of the bill. Representative Fox, you may continue.

REP. FOX (146th):

Thank you, Madam Speaker. During the course of the Judiciary Committee's deliberations during this session and also in prior sessions the issue of human trafficking and the -- the dangers and the -- the harm that human trafficking causes on -- on young lives was a big issue before the committee and it was the subject of three different bills that were passed out of committee.

The bill before us, Madam Speaker, has an amendment that will combine the best features of those three bills. And I would ask that the Clerk please call LCO number 8203 and I be given leave to summarize.

DEPUTY SPEAKER RITTER:

Will the Clerk please call LCO 8203 which will be

designated House Amendment Schedule A. Representative

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THE CLERK:

House -- House Amendment -- House Amendment  
Schedule A, LCO 8203 introduced by Representative Fox,  
Representative Rebimbas et al.

DEPUTY SPEAKER RITTER:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Fox, you may proceed with summarization.

REP. FOX (146th):

Thank you, Madam Speaker. And I should point out that this bill incorporates a bill that was originally proposed by Representative Berger, another bill that had been proposed by -- by Senator Looney and then most significantly and the -- the underlying bill that we're taking and combining those bills with is a bill that was cosponsored by every woman legislator in both the House and the Senate from both parties and it's something that I would thank you for your leadership on that.

I'd also thank the Ranking Member of the

Judiciary Committee, Representative Rebimbas for her leadership on that because it's something that I -- I don't think I've seen before but it -- you know in my years here and it's something that really stresses the importance of this issue and how we really need to strengthen our laws and bring about awareness of the dangers of human trafficking and it's something that we have talked about in the past.

We have in past legislation before but this is something that given the -- the overwhelming support by members of -- of this Chamber as well as the Senate that we can really take strides going forward. With that, this bill incorporates as I said a number of -- of the features from the previous bills. It increases the penalty for patronizing a prostitute when it's known that the prostitute was under the age of 18 or was the victim of conduct of another person that would constitute human trafficking in persons.

There's also a provision that would allow those who have been convicted of prostitution who had been victims of -- of trafficking to have their -- their convictions vacated either from the past or it would raise as a defense -- the defense of trafficking going forward. So it would establish as a public policy

that we're not looking to criminalize those who are victims of trafficking and it's something that was very important as part of this -- this legislation and it's something that is incorporated in this amendment.

Also there is a provision that does have the Judicial Department place in courthouses notice that people can -- can go to if they do feel that they are victims of trafficking and that they can -- and that they would -- they would have an ability to -- to recognize that perhaps if they are in court you know they may not even know. Many times these people may not know their victims of trafficking and it's just because of their -- the circumstances that they find themselves.

But if there's an awareness that can be brought about through our courthouses which is you know unfortunately many times where these victims end up that this is an area that we also think would bring about increased awareness. Also there is a -- a trafficking in persons council that is established and they will begin their meetings no later than September of this year

And they will continue to study the issue of human trafficking and the ramifications that it has

upon us here in the State of Connecticut. So Madam Speaker, I move adoption of the amendment.

DEPUTY SPEAKER RITTER:

Thank you, Representative Fox. The question is on adoption of House Amendment Schedule A. Will you remark further? Representative Rebimbas, you have the floor.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And thank you for the opportunity to stand in support of the amendment that's before us. I certainly want to align myself with all of the gratitude that was communicated by Representative Fox. And I also want to extend that gratitude to Representative Fox as well as Senator Coleman for their willingness to work with us regarding making three good bills into one great bill.

And Madam Speaker, certainly your leadership as well and -- and the charge of getting every woman in both Chambers to stand behind this unified effort. And let me tell you this is historic in so many ways but it's certainly historic in the most important way and what that is informing the people that the State of Connecticut is closed for the sex trafficking business.

We will not tolerate it. We will not have it. I also want to thank unfortunately some of the victims that had the necessary courage to come and testify before the Judiciary Committee because even just one victim is one too many. And it's unfortunate even statistics here in the State of Connecticut you know very often people weren't even aware of this problem in the State of Connecticut.

And very profound was the statistics that was also provided by the Department of Children and Families that highlighted that positively since 2008 they have been able to identify 100 minors that were victims of sex trafficking. Just to hear that again is just horrific. So based on the courage of these people who testified before us and the facts before us we had no other option but to act on this.

So once again Madam Speaker, thank you for your leadership. Thank you to all of the women as well as all of the men that took part in the creation of the underlying bills and now the amendment that's before us.

And I certainly hope that moving forward we can continue this historic moment by having every member if you certainly can to cosponsor this bill because it

-- what we will be doing then is not only making this message loud and clear in the State of Connecticut but hopefully for many other states to follow. So thank you, Madam Speaker. And I do stand in strong support of the amendment that's before us.

DEPUTY SPEAKER RITTER:

Thank you, Representative. Will you remark further? Representative Berger of the 73rd District. You have the floor, Sir.

REP. BERGER (73rd):

Thank you, Madam Speaker. I would just like to echo the remarks of both the esteemed Chair and Ranking Member of the Judiciary Committee and also again acknowledge, Madam Speaker, your leadership in this important bill which this Chamber will soon vote on.

The combination of these bills and the extension of what we do here today builds on the work of the General Assembly from last year when we first dealt with the issue of advertising of this sexual trafficking in many publications throughout the State of Connecticut. Representative Fox, Representative Rebimbas, Representative Ritter, the entire women's delegation in this Chamber, some men included on the

amendment but working together we came up with a product that is groundbreaking not only for the State of Connecticut, Madam Speaker, but for the entire country to start to model after.

We're increasing penalties for the product of that trafficking. The Johns that patronize children that are victims of human trafficking, that are taking advantage of children by criminal enterprises in the State of Connecticut that receive millions of dollars for this illegal, illicit trafficking. The establishment of the council to review what we do. The important members that are -- will be appointed to that council, Madam Speaker, will help direct this Chamber and the upper Chamber now and in the future in expanding what we do here today.

And in realizing that these children and I emphasize children, some of them 16 years and younger being recognized now as victims of trafficking, of criminal enterprises in the State of Connecticut. So the establishment of the penalties, the enhancement in understanding that they are victims and can have their sentences vacated.

And I thank Representative Fox again for his leadership and working through that difficult process.

And the establishment of the council now will provide direction and force for us to be able to build on what we do here today. So I am so very, very proud, Madam Speaker, of all of us working together in a bipartisan way to achieve the goal which we will vote on here today.

So it's a proud moment for us and it's proud that we are here to protect children against illegal trafficking by criminal enterprises that permeate the entire State of Connecticut. So thank you, Madam Speaker. And thank you to everyone in this Chamber and in the Senate.

DEPUTY SPEAKER RITTER:

Thank you, Representative. Will you remark further? Representative Betts of the 78th District.

REP. BETTS (78th):

Good afternoon. Thank you very much, Madam Speaker. I stand in very strong support of this amendment and this bill. I had not been aware of the problem of the extent of the problem until we had had a public hearing on it. And very frankly it just made my blood boil. If it were me and I'm not going to propose it today but I think so lowly of these people I would frankly give them life imprisonment and I

would not lose a -- I would not lose a tear over that.

Anybody in this business that can do it, the action speaks for itself. And I really would echo the comments of Representative Rebimbas and I'd hope that all of us would cosponsor this. It's -- I find it ironic you know we say one of our favorite slogans is Connecticut is open for business. I'd love to give a message to these creeps and tell them that there is zero tolerance for this and there is not going to be one more example of this ever happening again in Connecticut.

I feel awful for the victims. I think this is a very good step in the right direction to try and help them but more importantly to make a real strong policy statement that this is behavior that is absolutely unacceptable and you will face the maximum penalty possible. And I proudly stand in support and will definitely cosponsor this amendment. Thank you so much, Madam Speaker.

DEPUTY SPEAKER RITTER:

Thank you, Representative. Will you remark further? Will you remark further on the amendment that is before us? Will you remark further? If not, I will try your minds. All in favor please signify by

saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RITTER:

Opposed, nay. The amendment is adopted. Will you remark further on the bill before us as amended? Will you remark further? Will you remark further? If not, will members and guests -- will guests and visitors please come to the well of the House. Will members please take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

DEPUTY SPEAKER RITTER:

Have all the members voted? Will the members please check the board to determine if their vote has been properly recorded. If all the members have voted the machine will be locked and the Clerk will take a tally. The Clerk will please announce the tally.

THE CLERK:

House Bill 5666 as amended by House A.

Total Number Voting            146

Necessary for Adoption	74
Those voting aye	146
Those voting nay	0
Absent and not voting	4

DEPUTY SPEAKER RITTER:

The bill as amended passes. Will the Clerk please call Calendar number 300.

THE CLERK:

Calendar number 300 on page 44, favorable report of the joint standing Committee on Planning and Development, House Bill 6528, AN ACT CONCERNING CLEAN MARINAS.

DEPUTY SPEAKER RITTER:

Representative Perone. You have the floor, Sir.

REP. PERONE (137th):

Thank you, Madam -- thank you, Madam Speaker. It's a pleasure to see you there. I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER RITTER:

The question is acceptance of the joint committee's favorable report and passage of the bill. Representative Perone, you may proceed.

REP. PERONE (137th):

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Thank you.

Senator, will you remark further on the bill? Will you remark further on the bill?

Senator Osten.

SENATOR OSTEN:

With no objection, I would remove this to the Consent Calendar.

THE CHAIR:

Seeing and hearing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I have another item to add to the Consent Calendar.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, it's on Calendar page 26, at the bottom of that page, Calendar 680, House Bill Number 5666.

Madam -- Mr. President, move that that item be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

If we might stand at ease for just a moment.

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Thank you, Madam President.

Madam President, if the Clerk would list the items on the first Consent Calendar and then if we might call for a vote on that Consent Calendar.

THE CHAIR:

Thank you.

Mr. Clerk.

It's not open, I'm not opening it. I'm waiting for you to call the (inaudible).

THE CLERK:

On Page 3, Calendar 209, Senate Bill 1033.

Page 5, Calendar 355, House Bill 6023.

Page 7, Calendar 460, House Bill 6506.

On Page 11, Calendar 505, House Bill 6406.

On Page 18, Calendar 617, House Bill 5441; Calendar 620, House Bill 6683; Calendar 623, House Bill 6365.

And on Page 19, Calendar 624, House Bill 6151.

On Page 20, Calendar 635, House Bill 5926.

Page 23, Calendar 659, House Bill 5358.

On Page 26, Calendar 680, House Bill 5666.

And on Page 29, Calendar 182, Senate Bill 1000.

Page 33, Calendar 384, Senate Bill 1067.

And on Page 36, Calendar 649, House Bill 5113.

THE CHAIR:

Thank you.

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Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call on Consent Calendar Number 1 has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, will you please call a tally.

THE CLERK:

On the first Consent Calendar of the day.

Total Number Voting	35	
Necessary for Adoption	18	
Those Voting Yea	35	
Those Voting Nay	0	
Those Absent and Not Voting		1

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would please call as the next item Calendar Page 10, Calendar 495, Senate Bill 840 from the Finance, Revenue and Bonding Committee.

THE CHAIR:

Good evening, Senator Fonfara.

SENATOR FONFARA:

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any legislative issues that might have to be added to that I would hate to lose a year because we just hold this particular bill. So I want to thank the committee itself because what they're doing does make a lot of sense. In the meantime, we do have people, like the woman in Manchester that are victims that will unfortunately lose their opportunity to convict somebody clearly when evidence shows a rape. And so I would ask that we pass this bill, pass this bill to keep it as a whole in case CONNSACS can't get everything together that needs to be done.

REP. G. FOX: Thank you, Senator.

Questions?

Seeing none, thank you very much.

SENATOR CASSANO: Thank you very much. I appreciate it.

REP. G. FOX: Next is Teresa Younger.

Good morning.

TERESA YOUNGER: Good morning. Good morning, Senator Coleman, Senator Kissel, Representative Fox and Representative Rebimbas. You have my written testimony in front of you on a number of bills that I'll be talking about today, and I'd like to point out that there are experts in these fields coming up to testify on any questions that I am unable to answer, which I'm sure there will be many since, as most of you know, I am not an attorney.

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SB 115

HB 6688

(HB 6685)

My name is Teresa Younger, and I am the executive director of the Permanent Commission on the Status of Women. We work on women's

public health, safety, economic security and the elimination of gender discrimination. Today, we are testifying with regards to three bills that are on your docket. House Bill 5666 will be the first one I'd like to comment on, AN ACT CONCERNING THE FORFEITURE OF MONEYS AND PROPERTY RELATED TO THE SEXUAL EXPLOITATION AND HUMAN TRAFFICKING.

Since 2004, the PCSW has convened the Trafficking and Person's Council to study the issue of human trafficking and make recommendations to the state Legislature. The Council has made recommendations that has resulted in the establishment of criminal penalties and civil remedies, victim-friendly curriculum for training the providers, state agencies and law enforcement, and providing for housing and public awareness and education and funding in those areas.

House Bill 5666 would actually build on and fill a loophole that was established with the Public Act 10-112, establishing a civil forfeiture procedures to seize tainted funds and property from several sexual offenses, including human trafficking. However, we feel like there was a loophole for those around prostitution and those promoting prostitution. We want to make sure that those promoting prostitution are not seeking -- making a profit off of the actions. And instead of just paying the penalty and leaving, we'd like to seize their property in the process.

We're still working on tweaking some of the language around that, but it's an incredibly important bill and it should be noted that this piece of legislation, which has been lead by your own committee member, Representative Rebimbas, has the signature of all 55 women

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legislators on it. So for the first time ever we have a piece of legislation that reflects that. It's a very serious piece, and we hope that you'll consider passage of that bill.

I'd also like to comment really briefly on House Bill 6636, which Senator Cassano just mentioned. The PCSW is a member of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations. We've been a member of this commission since its inception and have been working very closely with all of the members of that commission.

Currently, the commission is looking into matters regarding evidence collection in situations where the victim cannot provide informed consent.

A subcommittee, as you have learned, of this commission has met several times and has another meeting scheduled later this month with the goal of finalizing revisions to the guidelines around this delicate issue of consent. Therefore, the proposed bill, we actually would ask that no action be taken. We applaud the committee for your commitment for to this issue around sexual assault and we would be happy to provide you with the update from the commission if you seek so. Please just feel free to contact us.

Finally, I'd like to comment on Senate Bill 115 and House Bill 6688. Senate Bill 115 is AN ACT CONCERNING THE REVISIONS OF STATUTES RELATED TO THE DISSOLUTION OF MARRIAGE, LEGAL SEPARATION AND ANNULMENT. This legislation, we are actually asking you to reject. And we would actually ask that you consider the passage of House Bill 6688, which is AN ACT CONCERNING THE

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SENATOR KISSEL: Okay. I understand that but just as a courtesy to my fellow senator maybe if we try to move it at least out of committee and if you were able to sit down with Senator Cassano --

TERESA YOUNGER: Yes. We have actually, Senator, you should note that we actually have sat down with Senator Cassano. He has invited us in to work on the bill -- to work with him on the bill. We did bring to the table the Connecticut Sexual Assault and Rape Crisis Centers to the table, as well as many other groups. So we're all on the same page. We understand what he's trying to do. We don't object to his proposal. We just are, you know, we just don't think we need to spend much more time on it considering the committee is actually working on resolving the concerns that he has.

SENATOR KISSEL: But is there a chance that this will be resolved prior to the end of session?

TERESA YOUNGER: That is the hope, yes.

SENATOR KISSEL: So if we kept this bill alive, then we may not have to pass it.

TERESA YOUNGER: Feel free to keep it alive. You just would not need to pass it on the floor.

SENATOR KISSEL: Okay. Thank you.

REP. G. FOX: Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chairman.

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And thank you very much for your testimony here today and, also, regarding 5666 for putting such a wonderful press conference together this morning, for your hard work for bringing this to women's attention, specifically, and certainly, hopefully, we'll be supported by all of those members of the General Assembly.

I did want to touch base on 6636. You indicate that you guys are working on the guidelines. Is this something that we would then later on not have to be implemented in law and that it will, the guidelines, would just simply be followed?

TERESA YOUNGER: Yes.

REP. REBIMBAS: Okay. Thank you for your testimony. And thank you again for all of the hard work that you've done.

TERESA YOUNGER: Thank you.

REP. G. FOX: Are there additional questions?

Representative O'Neill.

REP. O'NEILL: Do you have any idea what these guidelines, I mean are they -- what they are going to consist of or what the general thrust of them is?

TERESA YOUNGER: I haven't actually been working on the subcommittee. I have a staff person that's been working on the subcommittee, but the guidelines are incredibly comprehensive about what should happen within hospitals, what should happen within police departments with regards to this. And I know they are specifically addressing the concerns that Senator Cassano has brought up with regards to

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In closing, be assured that my motive -- my motives are strictly for the well-being of my children and many like them. It is ridiculous to think that any parent would not want to be any part of their child's life or provide for them.

With that said, I don't think that one goes in hand with the other. Reform is a need. The system is broken and needs to be rebuilt. I stand before you and support the changes in the statute recommended by the Reform Commission that are in Bill 1155, Bill 6688, as well as 6685 on the shared custody.

As a side note, I am also here in favor of Bill 178 that came to my attention today, as I know Abigail, both personally and professionally, and I think that is a totally different take on it and should be reviewed as well.

I ask that you pass -- it is not only represents the start of modernizing but, more importantly, will produce much happier children.

Thank you for your time.

SENATOR COLEMAN: Thank you.

Are there questions?

Seeing no questions, thank you for your testimony.

Anna Doroghazi is next.

ANNA DOROGHAZI: Good afternoon, Senator Coleman, Senator Doyle, Representative Rebimbas and members of the committee. My name is Anna

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Doroghazi, and I'm the director of public policy and communication at Connecticut Sexual Assault Crisis Services. CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs, which provides sexual assault counseling and victim advocacy to men, women and children of all ages throughout the state.

We've submitted written testimony regarding three bills before the committee today, but I'd like to use my time now to address two of those bills: House Bill 5666 and House Bill 6636.

House Bill 5666, AN ACT CONCERNING THE FORFEITURE OF MONEY AND PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING is an effort to address and curb a billion dollar industry that victimizes women and men throughout the world including in Connecticut.

Prostitution and sex trafficking are highly profitable but that money does not generally go to the men and women who are being prostituted. More than 80 percent of women involved in street level prostitution work with a pimp at some point and these pimps often use physical and emotional violence to maintain control over their employees and their finances.

This bill would add prostitution -- promoting prostitution in the third degree to the list of offenses that are subject to the forfeiture of money and property used in the commission of the crime. CONNSACS is thrilled that all of our female legislators have come together to address this important issue, and we support this legislation insofar as it can be used to punish pimps.

We're concerned, however, that it could also be used to seize assets from victims who are committing the crime of prostitution. Even though an overwhelming majority of these individuals are abused and almost nine in ten would leave prostitution if they felt that it were a safe and realistic option.

We hope the committee will consider how this bill would impact those individuals and consider eliminating prostitution from the list of crimes that can result in the forfeiture of property. Instead, we would recommend the inclusion of Section 53a-83, patronizing a prostitute; and 53a-83a, patronizing a prostitute from a motor vehicle. This would create the opportunity to seize assets, including cars, that are used for the solicitation of prostitutes, to punish individuals who are truly driving sexual exploitation. The johns who think it's acceptable to break the law and purchase sex from a person who is likely being physically, emotionally and sexually abused.

We would also like to comment on 6636, AN ACT CONCERNING THE COLLECTION OF SEXUAL ASSAULT EVIDENCE FROM INTOXICATED OR INCAPACITATED VICTIM, and we'd like to thank Senator Fasano for both his attention to this issue and his willingness to discuss it with CONNSACS and other members of the Evidence Commission.

The Evidence Commission, formally known as the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations, is housed within the Division of Criminal Justice and has a statutory mandate for section 19a-112a, to maintain and regularly update the State of Connecticut technical

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Testimony of  
 Teresa C. Younger, Executive Director  
 The Permanent Commission on the Status of Women  
 Before the Judiciary Committee  
 April 5, 2013

Re: S.B. 1155, AAC Revisions to Statutes Relating to Dissolution of Marriage, Legal Separation and Annulment  
H.B. 5666, AAC the Forfeiture of Moneys and Property Related to Sexual Exploitation and Human Trafficking  
H.B. 6636, AAC the Collection of Sexual Assault Evidence from an Intoxicated or Incapacitated Victim  
H.B. 6688, AAC Revisions to Statutes Relating to the Award of Alimony

Senators Coleman and Kissel, Representatives Fox and Rebimbas, and members of the committee, thank you for this opportunity to provide testimony on behalf of the Permanent Commission on the Status of Women (PCSW) regarding several bills before you today.

**H.B. 5666, AAC the Forfeiture of Moneys and Property Related to Sexual Exploitation and Human Trafficking**

*Impact on CT Women<sup>1</sup>*

- Between 2008 to 2011, 100 human trafficking victims were identified by State agencies. Of the 100 victims, 82 were children.
- Between 2009-2010, 109 human trafficking victims were identified by non-governmental entities.
- 100% of the above victims were female.

Since 2004, PCSW has convened the Trafficking in Persons Council (Council) to study the issue of human trafficking and make recommendations to the state Legislature. The Council has made recommendations

<sup>1</sup> PCSW, *Trafficking in Persons Council Annual Reports, 2008-2011*; Department of Children and Families, *Welcome to DCF's Response to Human Trafficking and Sexually Exploited Children and Youth*, August, 2011, Paul and Lisa Program; International Institute of Connecticut, Inc

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that resulted in the establishment of criminal penalties and civil remedies; victim-friendly curriculum for training of providers, state agencies, and law enforcement, and; funding for housing and public awareness and education.

Public Act 10-112 established a civil forfeiture procedure to seize tainted funds and property from several sexual offenses, including human trafficking. However, CGS § 53a-82 which allows a trafficking victim who is arrested for prostitution to claim human trafficking as an affirmative defense, was not included. PCSW urges passage of H.B. 5666 which would expand the forfeiture procedures to charges made under CGS § 53a-82 as well.

**H.B. 6636, AAC the Collection of Sexual Assault Evidence from an Intoxicated or Incapacitated Victim**

*Impact on Women:*

- Twenty-six percent of Connecticut women and 10% of Connecticut men are sexual assault survivors.<sup>2</sup>
- People with disabilities are sexually assaulted at twice the rate of people who do not have a disability.<sup>3</sup>
- The Centers for Disease Control reports that the health care costs of intimate partner violence –physical assault, rape and stalking – exceed \$5.8 billion each year, nearly \$4.1 billion of which is for direct medical and mental health services.<sup>4</sup>

H.B. 6636 would require the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations (Commission) to study whether to amend the sexual assault evidence collection protocols to allow the collection of evidence from a victim of sexual assault who is unable to provide consent due to intoxication or incapacitation.

The PCSW has been an active member of this Commission since its inception and has been deeply involved in the careful creation and consequent updates of the State's sexual assault evidence guidelines. Currently, the Commission is already looking into matters regarding evidence collection in situations where a victim cannot provide informed consent. A subcommittee of the commission has met several times and has another meeting scheduled for later this month with the goal of finalizing revisions to the guidelines around the delicate issue of consent.

Therefore the proposed bill is not necessary because the work is already being done. PCSW applauds the committee for your commitment to issues around sexual assault and we would be happy to provide you with an update from the Commission once the revised guidelines are finalized.

**S.B. 1155, AAC Revisions to Statutes Relating to Dissolution of Marriage, Legal Separation and Annulment**

**H.B. 6688, AAC Revisions to Statutes Relating to the Award of Alimony**

H.B. 1155 would make revisions to several laws regarding family law by changing the provisions relating to property division, legal separation, arbitration, alimony, modification of alimony, child support, and cohabitation, and; including alimony guidelines with percentages and formulas.

These proposed changes are made without analysis as to the impact of such changes. PCSW urges rejection of S.B. 1155 because it contains arbitrary, capricious and random formulas that have not been studied or

<sup>2</sup> Connecticut Sexual Assault Crisis Services (CONNSACS). *Sexual Assault in Connecticut Fact Sheet*

<sup>3</sup> Connecticut Sexual Assault Crisis Services (CONNSACS), March 22, 2013 Press Release on H B 6641

<sup>4</sup> Center for Disease Control *Costs of Intimate Partner Violence Against Women in the United States*, March, 2003  
 <[http://www.cdc.gov/ncipc/pub-res/ipv\\_cost/04\\_costs.htm](http://www.cdc.gov/ncipc/pub-res/ipv_cost/04_costs.htm)>.

My name is Karen Herbert, I am an abolitionist working in the movement against modern day slavery. I am in support of the Proposed Bill 5666 . I worked for Not For Sale as the Connecticut Co-director for three years. NFS is a part of the Community Abolitionist Network (CAN) of "Not For Sale Fund" which is a California Non-Profit Corporation organized in accordance with Internal Revenue Code Section 501( c)(3). Not For Sale Campaign is a program of 'Not for Sale Fund # 501(c) (3) Number: 20-5659783. The Community Abolitionist Network is a grassroots campaign comprised of volunteer abolitionist leaders and community activists that brings the "Not For Sale" mission to all aspects of the community by working with students, business owners, and people of faith, government officials, law enforcement, civic organizations and the media. That mission is to end slavery and human trafficking in our lifetime. Currently there are over two dozen CAN's in 17 states in the U.S and 5 countries speaking out and creating change.

Most people in our State and our Country, do not even know that modern day slavery also known as human trafficking, exists right here in our communities. It is on our streets, on our campuses and in our homes through the internet. Each day our lives are likely touched by some form of slavery. The fabric for the clothes we wear, our shoes, our gold, materials in our cell phones, our coffee, our chocolate, possibly the vegetables we eat, etc. There are so many ways in which we the consumers have become unwitting partners in supporting slavery around the world.

The volunteers at Not For Sale Connecticut have worked very hard over the years. We have been able to accomplish the following:

- Holding a forum on Human Trafficking at a local faith community with nationally known advocate and trafficking victim, Theresa Flores along with the Victims Services Advocate for the FBI.
- We have held a Freedom Walk in the town of Farmington. Re-tracing the steps of the historical abolitionist while teaching people about modern day slavery.
- We have spoken at public libraries showing the DVD "The Dark Side of Chocolate" and discussing slave / child labor.
- We have spoken to hundreds of students at various high schools around the state including but not limited to: Bristol Central High School, Shepaug Regional High School, Miss Porter's School, Avon High School, Hall High School West Hartford, and Conard High School West Hartford.
- We have spoken to civic groups such as the Rotary Club of Avon / Canton.
- We have spoken to college and university Campus Ministry Leaders.
- Faith groups such as the Office of Catholic Social Justice Ministry and have participated in the latest of Bishop Rosazza's Social Justice Conference held at St. Paul's High School.
- We participated in the Office of Catholic Social Justice Ministry's annual dinner and the SJM Office at Yale announced it had chosen Not For Sale as the focus of their 2012 projects.

- 
- We have presented at Salons at Stowe, hosted by the Harriett Beecher Stowe Center and have a collaborative partnership with HBSC.
  - We have spoken to hundreds of teenagers in faith communities and Confirmation classes
  - We have been guests on "The Talk of Connecticut" WDRC-AM with Brad Davis
  - We have been frequent guests on the Mary Jones Show on WDRC-AM.
  - We have appeared several times on the public access television "Beyond Violence" on NUTMEG TV.
  - We held a "Think Tank" in July 2011; drawing in people from all walks of life to discuss human trafficking.
  - Our volunteers have contacted and "tattooed" thousands of participants at the 2011 Soul Fest Concert in New Hampshire with "Not For Sale" tattoos.
  - We spoke to 2500 teens and youth group leaders from the stage at the Arch Diocese of Hartford "2011 Youth Spectacular" and tattooed hundreds of them.
  - Several of us participated in the Not For Sale Global Forum on Human Trafficking in Sunnyvale California October 2011.
  - We have participated and presented at various events held by "Women of Change" group at the University of Hartford -Calendar of Change Presentation, Movie Screening of 'Not My Life' and our own NFS presentation.
  - Opened our first Free2Create Event in collaboration with Provenance Center, Operation 21<sup>st</sup> Century, Connecticut Humanities Council and Custom House Maritime Museum. Our volunteers and collaborators held several powerful days/nights of Art, Photography, Live Body Art, Jazz Music and Poetry. The event was held at the Provenance Center in New London CT.

Each year more diverse and talented people such as you are drawn to the abolitionist movement. Whether as an individual or as apart of an organization, it is critical for our government officials to make the changes in this important mission.

We look forward to witnessing the Proposed Bill 5666 pass.

Sincerely,

Karen Herbert

Retired Co-Director of Not for Sale Connecticut

Dear Committee Members,

My name is Kirk Tavigian. I am an attorney in private practice. I strongly support Proposed Bill 5666, An Act Concerning The Forfeiture Of Moneys And Property Derived From Human Or Sex Trafficking. Human and sex trafficking is a significant and ongoing problem. Enactment of Proposed Bill 5666 will act as a deterrent to those who profit from human and sex trafficking. From a legal perspective, I believe that the bill is well drafted, clear and enforceable, and will accomplish its intended goals. I urge the Legislature to enact this bill. Thank you.

Steve Ferraro [ctabolitionist@aol.com]

Actions  
Committee Members,

I am writing to express my support for Bill 5666. As volunteer abolitionists, my wife and I have been blessed to work with many professionals in law enforcement, the Department of Children and Families and many NGO's. We can say from our first hand experience that as a society and as a state, we are woefully under educated, under trained and under prepared to deal with the realities of human trafficking in our state.

For example, there are insufficient monies to train all of law enforcement which allows the problem to be perpetuated. Victims more likely to be arrested for prostitution then rescued from their captors by an untrained law enforcement community. There are many dedicated employees of DCF who because of budget cuts are forced to do their work on human trafficking on their own time. As heinous a crime as human trafficking is against children and women, the DCF should have fully funded full time employees dedicated to this. Lastly there aren't anywhere near the treatment resources available in Connecticut as there ought to be. We can estimate the hundreds or thousands of women and children that have been or are currently being trafficked in our state, but we do not have a dedicated facility or safe house nor do we ave a professional staff to help restore their bodies and souls.

We believe Bill 5666 is crucial to using the ill gotten gains obtained by the trafficker and make them available to support the victims and to prevent further souls from being trafficked. Thank you for your consideration.

Stephen & Karen Ferraro  
4 Strawfield Rd  
Unionville CT 06085  
Steve Ferraro  
ctabolitionist@aol.com



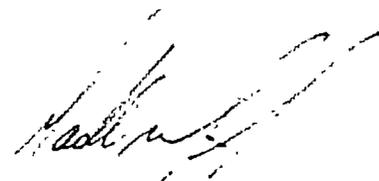
April 4, 2013

To Whom It May Concern:

It has come to my attention that Bill 5666 AN ACT CONCERNING THE FORFEITURE OF MONEYS AND PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING is up for public hearing Friday, April 5, 2013. Unfortunately, due to a previous commitment, I will not be able to attend this hearing. This is a very important step that Connecticut is taking toward protecting the victims of human trafficking, who are often re-victimized by defendants who mount an expensive defense with the very same dollars raised as a result of the exploitation of these victims.

My name is Nadesha Mijoba and as an abolitionist working against modern day slavery and human trafficking, I must emphasize my support of Bill 5666. I do, however, hope that this can be extended to include language that insures that money and property forfeited are allocated for the benefit of the victims, including access to appropriate care, follow-up support, relocated safe housing, etc. As the director of Provenance Center in New London, CT, I have been involved for a number of years in efforts to promote awareness, understanding and sensitivity to the local, national and international epidemic of modern slavery and human trafficking. Through our arts and education programs, we have sought to "open the doors" for the public regarding this widespread multi-billion dollar industry and serious threat to the well-being of our children and general public health. It is time for slavery - in all its forms - to be fully exposed and abolished from our lives.

Sincerely,



Nadesha Mijoba  
Director



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

IN SUPPORT OF:

**H.B. NO. 5666: AN ACT CONCERNING THE FORFEITURE OF MONEYS AND  
PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING**

JOINT COMMITTEE ON JUDICIARY  
April 5, 2013

The Division of Criminal Justice respectfully recommends the Committee's **Joint Favorable SUBSTITUTE Report** for H.B. No. 5666, An Act Concerning the Forfeiture of Moneys and Property Related to Sexual Exploitation and Human Trafficking. The Division supports the concept proposed in this legislation, but does not believe that goal can be achieved without substantive revision of the underlying statute, Section 54-36p.

The Division of Criminal Justice would recommend that the Committee merge H.B. No. 5666 with sections 1 through 3 of S.B. No. 871, **An Act Concerning Revisions to Various Statutes Concerning the Criminal Justice System**, which was the subject of a public hearing on March 4, 2013 and which proposes to address shortcomings that essentially have left section 54-36p unworkable.

As explained that the time, and to reiterate today, Section 54-36 (a)(3) and 54-36p (a) (4) both require violations for "pecuniary gain," whereas child pornographers typically exchange images and files free of charge for reasons having nothing to do with pecuniary gain. The attorney's fees exemption contained in 54-36p (d) potentially allows a child molester to use the profits of child pornography to defense against criminal charges.

Of further concern is the fact that section 54-36p has no sharing provision for law enforcement. Prostitution, human trafficking and child pornography cases are all labor intensive investigations for law enforcement. Since our Connecticut state law has no sharing provision to return a portion of proceeds back to the police in such cases, as a practical matter they are referred to federal agencies, which do have equitable sharing provisions for forfeiture.

The Division believes the proper resolution of this dilemma rests in the language embodied in section 1 of S.B. No. 871. This language revises the procedures utilized for in rem proceedings to bring them in line with the procedures utilized in drug asset forfeiture proceedings. This proposal further allows the court in an in rem proceeding involving the seizure of money to make a discretionary award to law enforcement, providing an incentive for police departments to invest the time and effort required to prove a proceeds case. Additionally, as referenced previously, section 2 of S.B. No. 871 eliminates the "for

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pecuniary gain" requirement, which is a largely technical but significant change to section 54-36p. We would note again that the "for pecuniary gain" wording appears to have been included as the result of an oversight in the drafting of the public act that has since been codified as Section 54-36p.

In conclusion, the Division of Criminal Justice commends the proponents of H.B. No. 5666 for offering this further enhancement and strengthening of the asset forfeiture statutes and procedures. In an effort to assure that the intention of this legislation is achieved, we would respectfully recommend the Committee's JOINT FAVORABLE SUBSTITUTE Report to merge this bill with the appropriate sections of S.B. No. 871. The Division expresses its appreciation to the Committee for this opportunity to offer input on this matter and would be happy to answer any questions or to provide any additional information the Committee might require. Thank you.



STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Judiciary Committee

April 5, 2013



**H.B. No. 5666 AN ACT CONCERNING THE FORFEITURE OF MONEYS AND PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING**

The Department of Children and Families (DCF) **supports** H B. No. 5666, An Act Concerning the Forfeiture of Moneys and Property Related to Sexual Exploitation and Human Trafficking. This bill would expand the offenses that are subject to forfeiture of money and property used in, or obtained or derived from the commission of, sexual exploitation and human trafficking, to include prostitution and promoting prostitution in the third degree.

Sadly, we have seen a dramatic increase of trafficking of minors in Connecticut over the past several years. In response, DCF has increasingly sharpened its focus on the growing issue of Domestic Minor Sex Trafficking afflicting children involved with the child welfare system. Human Trafficking is the third most profitable criminal industry in the world, generating an estimated \$32 billion per year.<sup>1</sup> Most simply, Domestic Minor Sex Trafficking constitutes modern day slavery. The reaction of moral outrage that is prompted in the face of such child victimization has fueled considerable work here at the Department to galvanize a systemwide collaborative effort to combat it.

While much attention has been paid to this human rights violation in other countries, including Cambodia and Thailand, it is perhaps less widely understood that child trafficking is occurring in the United States at an alarming rate. The United States Department of Justice estimates that 200,000 American children are potentially trafficked each year into the sex trade. The United States Department of State "Trafficking in Persons Report 2010" found that the majority of domestic victims enslaved in the sex industry are runaway and homeless youth. Nationally, 450,000 children run away from home each year. One of every three teens on the street will be lured toward prostitution within 48 hours of leaving home. This means at least 150,000 children are lured into prostitution each year. The average age of children victimized by pornography and prostitution in the United States is 12 years old.<sup>2</sup> Data shows that children who are involved with child welfare services and in the foster care system are at a much higher risk to be recruited into the sex industry and prostitution.

<sup>1</sup> ILO, *A global alliance against forced labor*. 2005

<sup>2</sup> *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children/NISMART-2*

DCF has been and remains committed to addressing the issue of trafficking within our borders. Since 2008, when collaborative efforts in Connecticut significantly increased -- both internally at DCF and externally with the community -- there have been approximately 100 children who have been identified and confirmed as victims of Domestic Minor Sex Trafficking. Of the victims identified, **ninety-eight percent** have been involved with child welfare services in some manner. Many of these children have been victimized while in foster care or congregate care. Connecticut DCF has put forth tremendous efforts to end the sale of our children. These efforts fall within three main categories: Identification and Response; Awareness and Education; and Restore and Recovery.

We urge your support for this legislation.



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Testimony of Barbara J. Collins  
 Connecticut Bar Association  
 Chair, Human Rights and Responsibility Section

**In SUPPORT of HB 5666**

**An Act Concerning the Forfeiture of Moneys and Property  
 Related to Sexual Exploitation and Human Trafficking**

Judiciary Committee  
 April 5, 2013

Thank you for allowing me to address our position today regarding our **support** of HB 5666, An Act Concerning the Forfeiture of Moneys and Property Related to Sexual Exploitation and Human Trafficking

I am Barbara J. Collins, Chair of the Human Rights and Responsibility Section of the Connecticut Bar Association. I am here to speak in favor of the proposed Act concerning the forfeiture of moneys and property related to sexual exploitation and human trafficking. The Human Rights Section has come before this body many times before to discuss issues that protect basic rights of the citizens of this State. Protection against sexual exploitation and human trafficking is one such basic right. Both our section and the American Bar Association have made elimination of such despicable behavior a priority.

Therefore it is welcomed that the Connecticut General Assembly has recognized that the problem of human trafficking is real and exists even in Connecticut. Human Trafficking is a form of modern-day slavery where people profit from the control and exploitation of others. Because most of this slavery takes place out of the sight of the public, statistics are hard to confirm but it is believed that 80 percent of the human-trafficking victims internationally are women and children and of that figure it is believed that nearly one-half are children and teens under the age of 18. These are the people who are least likely to be able to escape this modern day slavery and end up on the streets or in the seedy motels of Connecticut as prostitutes where they are exploited by their pimps and their johns. For too long, the public was able to ignore this issue and assume that it did not happen in our fair state. The General Assembly is to be applauded for showering light upon the issue and bringing the victims from the shadows.

The Human Rights Section of the CBA supports HB 5666 as a first step in eliminating the existence of economic incentives for sexual exploitation and human trafficking. This problem will not go away until it is no longer economically attractive to exploit young children and women. This Act seeks to do that while still retaining basic due process rights for those arrested and in danger of losing their assets.

We strongly urge the passage of this bill and similar legislation proposed this year in the Legislature.



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Testimony of Douglas J. Monaghan  
Connecticut Bar Association  
Chair, Child Welfare and Juvenile Law Section

In SUPPORT of HB 5666

**An Act Concerning the Forfeiture of Moneys and Property  
Related to Sexual Exploitation and Human Trafficking**

Judiciary Committee  
April 5, 2013

The CBA Child Welfare and Juvenile Law Section supports passage of this act and like legislation.

According to the American Bar Association Task Force on Human Trafficking, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ("Trafficking Protocol"), a United Nations Convention entered into force in 2003 and ratified by the United States in 2005, defines "trafficking in persons" as "the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation." It specifies that "[e]xploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

The proposed legislation would authorize the forfeiture of money and property used in or obtained from the commission of these odious crimes involving human and sex trafficking. It requires little consideration to add this tool to the state's ability to effectively deal with such heinous criminality. Since human trafficking is at its base a commercial enterprise, giving the state the authority to seek forfeiture of money and property strikes at the heart of the criminal conduct and will deprive the traffickers of their "ill-gotten gains."



Connecticut Sexual Assault Crisis Services, Inc.

96 Pitkin Street · East Hartford, CT 06108 · Phone: 860-282-9881 · Fax: 860-291-9335 · [www.connsacs.org](http://www.connsacs.org)

Testimony of Connecticut Sexual Assault Crisis Services regarding:  
HB 5666, AAC the Forfeiture of Money and Property Related to Sexual Exploitation and Human Trafficking (Support with Suggestions)

HB 6636, AAC the Collection of Sexual Assault Evidence from an Intoxicated or Incapacitated Victim (Request No Action)

SB 1152, AAC Petition for Release from the Requirement to Register as a Sexual Offender for Life (Oppose)

Anna Doroghazi, Director of Public Policy and Communication  
 Judiciary Committee Public Hearing, Friday, March 5, 2013

Senator Coleman, Representative Fox, and members of the Judiciary Committee: my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs, which provide sexual assault counseling and victim advocacy to men, women, and children of all ages. During our last fiscal year, advocates throughout the state provided hospital and court accompaniment, support groups, individual counseling, 24/7 hotline support, and post-conviction services to over 7,000 victims and survivors of sexual violence. We would like to offer comments on three bills before the committee today.

HB 5666, AAC the Forfeiture of Money and Property Related to Sexual Exploitation and Human Trafficking (Support with Suggestions)

According to multiple sources, the global sex industry generates several billion dollars each year. Much of this money does not go to the women and men who are prostituted; rather, it goes into the pockets of pimps. More than 80% of women involved in street-level prostitution work with a pimp at some point, and these pimps often use physical and emotional violence to maintain control over their "employees" and their finances.<sup>1</sup> Abuse also occurs at the hands of johns. A 2003 study of prostitution and human trafficking found that 82% of individuals working in prostitution in the U.S. were physically assaulted in the course of their work. 73% had been raped, and 78% had been threatened with a weapon.<sup>2</sup>

HB 5666 would add prostitution and promoting prostitution in the third degree to the list of offenses that are subject to forfeiture of money and property used in the commission of the crime. CONNSACS supports this legislation insofar as it can be used to punish pimps. We are concerned, however, that it could also be used to seize assets from women and men who are committing the crime of prostitution – even though an overwhelming majority of these individuals are abused and 87% would leave

<sup>1</sup> Celia Williamson and Terry Cluse-Tolar, "Pimp Controlled Prostitution: Still an Integral Part of Street Life," *Violence Against Women* Vol. 8 No. 9 (September 2002). 1075.

<sup>2</sup> Melissa Farley, et al., "Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder," *Journal of Trauma Practice* Vol. 2 No.3/4 (2003): 43.

Page 21  
Line 5

prostitution if they felt that it were a realistic option.<sup>3</sup> We hope that the Committee will consider how this bill would impact those individuals and consider the possibility of eliminating prostitution (Sec. 53a-82) from this legislation. We believe that this bill would better serve victims and curb prostitution if it focused solely on the seizure of assets from individuals who promote prostitution (Sec. 53a-88).

**HB 6636, AAC the Collection of Sexual Assault Evidence from an Intoxicated or Incapacitated Victim** (Request no action)

We support the intent of HB 6636 and recognize its importance, but we do not believe that the raised bill is necessary and respectfully ask the Committee to take no action on it. The Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations ("the Evidence Commission") has a statutory mandate per Sec. 19a – 112a to maintain and regularly update the State of Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault ("the Technical Guidelines"). A subcommittee of the Evidence Commission was formed last year to examine the issue of evidence collection from an intoxicated or incapacitated victim and has already met several times. We believe that this subcommittee is close to making recommendations for how to best address this issue in the Technical Guidelines.

CONNSACS has been a member of the Evidence Commission since its inception in 1988, and we are deeply invested in ensuring that sexual assault survivors have access to quality medical care and forensic evidence collection. We appreciate the Committee's interest in this important issue, and we would be happy to provide you with an update on revisions to the Technical Guidelines once they are complete.

**SB 1152, AAC Petition for Release from the Requirement to Register as a Sexual Offender for Life** (Oppose)

We oppose SB 1152, which would allow convicted offenders to petition for removal from the sexual offender registry after ten years. A majority of sexual offenders are already only required to register for ten years; those who are required to register for life have been convicted of repeat offenses, have raped a child under the age of 13, or have committed a violent sexual offense.

We are especially concerned that the provisions of this bill could be applied retroactively. Registry requirements are, in a sense, a promise made to victims as part of their offenders' sentencing. Survivors of sexual violence deserve to understand the terms and conditions of their offenders' sentencing, and there are currently many survivors in Connecticut who expect their offenders to be on the sexual offender registry for life. We appreciate that Section 1 of the bill allows for the consideration of a victim statement, but it can be difficult and re-traumatizing for victims to have to repeatedly discuss how sexual assault has impacted their lives. Sentences – including sexual offender registry requirements – should not be a source of uncertainty and confusion for sexual assault survivors.

Thank you for your time and consideration.

Anna Doroghazi  
[anna@connsacs.org](mailto:anna@connsacs.org)

<sup>3</sup> Melissa Farley, et al., "Prostitution and Trafficking in Nine Countries. An Update on Violence and Posttraumatic Stress Disorder," *Journal of Trauma Practice* Vol. 2 No.3/4 (2003): 51.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 13  
4200 - 4477**

**2013**

have always been at the forefront of the abolitionist movement --

REP. BERGER: Mm-hmm.

RAYMOND BECHARD: -- going back several hundred years. We can continue that tradition, and with this legislation and with looking at some of the model legislation that the Department of Justice has written for states, it's, the information is there. It's just looking at it and saying what is best for Connecticut?

REP. BERGER: So, again, it will build on the 2012 legislation, and obviously, we would, at some point, and the Chairs and Ranking Members will make that determination, we have House Bill 5666, we have a Senate bill, we have this bill and another bill, so potentially we would maybe merge them into one document.

SB1158

HB6696

RAYMOND BECHARD: Which would be, I think, by far one of the most comprehensive human trafficking bills ever passed by a state in this country, especially 5666 addressing, I'm sorry, 6500, also, which addresses, strengthens the escort ad bill.

The fact that The Hartford Advocate, New Haven Advocate, Fairfield Advocate removed those ads one month after the law took effect is really remarkable. And as I say again, this Committee and the entire Legislature, the Governor needs to be commended for that, because those ads ran for decades.

Dennis Paris, convicted for human trafficking, used those advertisements as his sole source of marketing the young women he sold in the Greater Hartford area. And those ads are now gone. And so the, this and some of the other legislation before this Committee, others, and

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 14  
4478 - 4765**

**2013**



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

IN SUPPORT OF:

**S.B. NO. 1158: AN ACT CONCERNING VICTIMS OF SEXUAL EXPLOITATION AND HUMAN TRAFFICKING**

JOINT COMMITTEE ON JUDICIARY  
April 15, 2103

The Division of Criminal Justice respectfully recommends the Committee's **Joint Favorable SUBSTITUTE Report** for H.B. No. 1158, An Act Concerning Victims of Sexual Exploitation and Human Trafficking. The purpose of the bill is to add Section 53a-196i, Commercial sexual exploitation of a minor, to the forfeiture scheme governed by Section 54-36p of the General Statutes. While the Division supports the concept of this legislation, we also have recommended substantive revisions of the underlying statute, Section 54-36p.

In this regard, the Division offers the same testimony and recommendation as presented with regard to H.B. No. 5666, An Act Concerning the Forfeiture of Moneys and Property Related to Sexual Exploitation and Human Trafficking. The Division recommends that S.B. No. 1158 and H.B. No. 5666 be merged with sections 1 through 3 of S.B. No. 871, An Act Concerning Revisions to Various Statutes Concerning the Criminal Justice System, which was the subject of a public hearing on March 4, 2013 and which proposes to address shortcomings that essentially have left section 54-36p unworkable.

As explained that the time, and to reiterate yet again, Section 54-36 (a)(3) and 54-36p (a) (4) both require violations for "pecuniary gain," whereas child pornographers typically exchange images and files free of charge for reasons having nothing to do with pecuniary gain. The attorney's fees exemption contained in 54-36p (d) potentially allows a child molester to use the profits of child pornography to defense against criminal charges.

Of further concern is the fact that section 54-36p has no sharing provision for law enforcement. Prostitution, human trafficking and child pornography cases are all labor intensive investigations for law enforcement. Since our Connecticut state law has no sharing provision to return a portion of proceeds back to the police in such cases, as a practical matter they are referred to federal agencies, which do have equitable sharing provisions for forfeiture.

The Division believes the proper resolution of this dilemma rests in the language embodied in section 1 of S.B. No. 871. This language revises the procedures utilized for in rem proceedings to bring them in line with the procedures utilized in drug asset forfeiture proceedings. This proposal further allows the court in an in rem proceeding involving the

seizure of money to make a discretionary award to law enforcement, providing an incentive for police departments to invest the time and effort required to prove a proceeds case. Additionally, as referenced previously, section 2 of S.B. No. 871 eliminates the "for pecuniary gain" requirement, which is a largely technical but significant change to section 54-36p. We would note again that the "for pecuniary gain" wording appears to have been included as the result of an oversight in the drafting of the public act that has since been codified as Section 54-36p.

In conclusion, the Division of Criminal Justice expresses its appreciation to the Committee for this opportunity to offer input on this matter and would be happy to answer any questions or to provide any additional information the Committee might require. Thank you.



STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Judiciary Committee

April 15, 2013



**S.B. No. 1158 AN ACT CONCERNING VICTIMS OF SEXUAL EXPLOITATION AND HUMAN TRAFFICKING**  
**and**  
**H.B. No. 6696 AN ACT CONCERNING ENHANCED STATE EFFORTS TO PREVENT HUMAN TRAFFICKING**

The Department of Children and Families (DCF) supports S.B. No. 1158, An Act Concerning Victims of Sexual Exploitation and Human Trafficking and H.B. No. 6696 An Act Concerning Enhanced State Efforts to Prevent Human Trafficking

Taken together, these bills provide a comprehensive response to address the issue of sexual exploitation and human trafficking on a number of key levels. Specifically, S.B. 1158: (1) amends existing statutory provisions that provide for the inventory, seizure and forfeiture of criminal assets to include assets derived from commercial sexual exploitation of a minor, (2) requires the Office of the Chief Court Administrator to develop a bilingual notice concerning resources for victims of human trafficking, (3) requires certain liquor permit premises and truck stops to display such notice in a conspicuous location, and (4) requires the Office of Victim Services to analyze the compensation and services provided to victims of human trafficking and make recommendations regarding statutory changes that may be enacted to address the needs of such victims. H.B. No. 6696: (1) revises the statutory criteria relating to the criminal offense of trafficking in persons, (2) increases criminal penalties for persons who patronize a prostitute who is under eighteen years of age or a victim of human trafficking, (3) allows the Superior Court to vacate criminal convictions for prostitution involving victims of human trafficking, and (4) establishes a task force that will study the implementation of state initiatives designed to reduce and prevent human trafficking.

Last year, an organization called Shared Hope International issued a report card regarding human trafficking laws in all fifty states. Unfortunately, in this evaluation Connecticut's trafficking laws received a grade of "F."<sup>1</sup> Many elements of these two pieces of legislation address several of the key points of emphasis contained in the Shared Hope International evaluation, specifically: the criminalization of domestic minor sex trafficking, criminal penalties addressing demand; criminal provisions for traffickers, protective provisions for the child victims, and criminal justice tools for investigation and prosecution. This bill also mirrors several important federal criminal statutes

DCF believes that increasing awareness of the issue of human trafficking and strengthening penalties for perpetrators is critical to protecting the victims in our state each year. Over the past two years, the Department has been collaborating with local, state and federal law enforcement to better coordinate our response, particularly as it relates to children from our child welfare system

As we noted in our testimony on April 5th regarding H.B. No. 5666, DCF has seen a dramatic increase of trafficking of minors in Connecticut over the past several years. In response, DCF has increasingly

<sup>1</sup> Shared Hope International, "Protected Innocence Challenge 2012 Report Cards", <http://sharedhope.org/what-we-do/bring-justice/reportcards/report-cards/>

sharpened its focus on the growing issue of Domestic Minor Sex Trafficking afflicting children involved with the child welfare system. Human Trafficking is the third most profitable criminal industry in the world, generating an estimated \$32 billion per year.<sup>2</sup> Most simply, Domestic Minor Sex Trafficking constitutes modern day slavery. The reaction of moral outrage that is prompted in the face of such child victimization has fueled considerable work here at the Department to galvanize a systemwide collaborative effort to combat it.

While much attention has been paid to this human rights violation in other countries, including Cambodia and Thailand, it is perhaps less widely understood that child trafficking is occurring in the United States at an alarming rate. The United States Department of Justice estimates that 200,000 American children are potentially trafficked each year into the sex trade. The United States Department of State "Trafficking in Persons Report 2010" found that the majority of domestic victims enslaved in the sex industry are runaway and homeless youth. Nationally, 450,000 children run away from home each year. One of every three teens on the street will be lured toward prostitution within 48 hours of leaving home. This means at least 150,000 children are lured into prostitution each year. The average age of children victimized by pornography and prostitution in the United States is 12 years old.<sup>3</sup> Data shows that children who are involved with child welfare services and in the foster care system are at a much higher risk to be recruited into the sex industry and prostitution.

DCF has been and remains committed to addressing the issue of trafficking within our borders. Since 2008, when collaborative efforts in Connecticut significantly increased -- both internally at DCF and externally with the community -- there have been approximately 100 children who have been identified and confirmed as victims of Domestic Minor Sex Trafficking. Of the victims identified, **ninety-eight percent** have been involved with child welfare services in some manner. Many of these children have been victimized while in foster care or congregate care. Connecticut DCF has put forth tremendous efforts to end the sale of our children. These efforts fall within three main categories: Identification and Response; Awareness and Education, and Restore and Recovery.

We urge your support for both of these bills

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<sup>2</sup> ILO, *A global alliance against forced labor: 2005*

<sup>3</sup> *National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children/NISMART-2.*



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

IN OPPOSITION TO:

**H.B. NO. 6697: AN ACT CONCERNING THE FORFEITURE OF A MOTOR VEHICLE OPERATED WHILE CONSUMING OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS**

JOINT COMMITTEE ON JUDICIARY  
April 15, 2013

The Division of Criminal Justice respectfully recommends the Committee take NO ACTION on H.B. No. 6697, An Act Concerning the Forfeiture of a Motor Vehicle Operated While Consuming or Under the Influence of Intoxicating Liquor or Drugs. This legislation is not necessary and would in fact make what is already the difficult process to effectuate a forfeiture even more cumbersome and potentially unworkable. A better alternative is the reform of the existing *in rem* process governed by Section 54-33g of the General Statutes as proposed by the Division of Criminal Justice in S.B. No. 871 and reiterated in testimony on H.B. No. 5666 and S.B. No. 1158.

The *in rem* law already reaches the conduct covered by H.B. No. 6697, that being the forfeiture of a motor vehicle operated by an individual while under the influence of alcohol or drugs. Indeed, there is at least one case now pending where the State is seeking the forfeiture of a motor vehicle that was alleged to have run down a pedestrian while the operator of the vehicle was under the influence and racing. Not only is this conduct covered by the existing *in rem* law, but the existing law is less cumbersome than the process that is proposed in H.B. No. 6697. This bill takes the most onerous requirements of the *in rem* law and combines them with the most onerous requirements of Section 54-36h, the state's drug asset forfeiture law.

For example, the bill requires a criminal conviction, which would remove the possibility of forfeiture in cases involving a pretrial diversionary program. Further it has a use immunity provision and requires that the State show that all owners knew the vehicle was being misused and it provides that the vehicle may be returned during the pendency of the criminal case. None of these provision exist in the existing ordinary *in rem* law. Finally, H.B. No. 6697 requires that a forfeited vehicle be sold at auction, which would preclude the possibility of an award of part of the proceeds to the police department that seized the vehicle. Any of these provisions will discourage police departments and prosecutors from bringing an action under the bill.

As stated at the outset of this testimony, the Division of Criminal Justice has proposed legislation (S.B. No. 871) to revise the ordinary *in rem* process to make it more efficient and

looking at the right inputs and outputs.

REP. CUEVAS: Thank you. I would imagine that that's a sense of an educational vehicle that could help us maybe attain some of that achievement gap that we're lacking.

JERI POWELL: Absolutely.

REP. CUEVAS: Thank you very much.

JERI POWELL: Absolutely. Thank you.

SENATOR HARP: Thank you.

Further questions?

If not, thank you so much for your testimony.

JERI POWELL: Thank you.

SENATOR HARP: Our next speaker is Teresa Younger followed by Michael Winkler.

TERESA YOUNGER: Good afternoon, Senator Sharp -- Senator Sharp -- Senator Harp, she is very sharp. Representative Walker, members of the Appropriations Committee. I'm Teresa Younger, Executive Director of the Permanent Commission on the Status of Women. And it's a pleasure for me to be here today and testify before on House Bill 6554, AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING GENERAL GOVERNMENT. I've testified on this bill or concepts of this bill a couple of times before you, and you have my written testimony before you, so I'll be reading some quick highlights to touch base on a few things that the Secretary touched on.

HB5666

I respectfully ask you to reject the Governor's proposal to merge the commissions

interchangeable with those of other groups. The PCSW works collaboratively time and time again with our fellow commissions. Most significantly we work with the Commission on Aging around elder issues. We work with the Commission on Children around parenting issues, around bullying issues, and around jobs. And we work with the Racial and Ethnic Minority Commissions on racial justice issues. This allows us at the PCSW to keep our concentrated on women's issues, the issues that we work on around health and safety, economic security, and the elimination of gender discrimination.

You have in front of you much of my testimony. I want to highlight just for a moment with you a couple of things that we do that nobody else does. We convene the Trafficking and Persons Council, a council that has helped produce leading and cutting edge legislation for both victims and for police officers in the State of Connecticut. It is one that has got members from DCS, DOC, the Attorney General's Office, and the Department of Public Health. We are actually working on and supporting House Bill 5666, which has been signed on by all female Legislators which heightens the penalties for perpetrators of trafficking.

We are the one commission that is working on hospital mergers and monitoring what is happening when hospitals are aligning themselves to merge and to change what services are being offered to communities. We are the ones that are asking the questions, we are the ones that are calling people together, and we are the ones that are working on conjunction with offices like the Comptroller's Office or the Office of Health Advocate, and the Chairs of Public Health.

We also serve on the Commission on the Standardization of the Collection of Evidence for Sexual Assault Investigation. We are working with many nonprofits and other state agencies on this agency. We're working on pay equity and have done so for a number of years and are working with both DECD and DOL on the task force that's been aligned by -- by the Governor's Office. We are the ones that are working and promoting and protecting women in business enterprises, ensuring, talking, and making sure that they have a voice here and addressing those issues.

Just last week we hosted Women's Day at the Capitol where we had over 250 men, women of all races, all ages, all abilities, and disabilities, here in this building. They actually came to learn about what was happening, to have an opportunity to meet and greet each other, to network, to be motivated, and to understand the issues around health and safety, economic security, in eliminating gender discrimination. And just in the six weeks that we've -- that's taken place between when we first testified on our budget and now that we're testifying on this, in the media you will see numerous examples of times when we've needed to step up to the plate and address issues.

In the past year we've spoken to 53 groups, have over 1,500 friends on Facebook, have 870 followers on Twitter, and in many ways we continue to do outreach. We have hundreds of calls that come into our office on media inquiries and those that are seeking assistance. Our office is both bilingual and speak -- English speaking, and we have one person who helps control and assist with all of those things.

Because of the work of the PCSW our state government has been better equipped to address the needs of working parents, victims of sexual harassment, women with health care concerns, women business owners, parents seeking child support, women leaving welfare for work, child care workers, and women entering non-traditional occupations. We are here as a counterpart to you. Our work is broad and has always been broad. And for 40 years we've been here to assist you and provide you with information. I'm here to take any questions that you might have. My testimony is complete and I know that I've met, I believe with just everybody that's here today, so if you have any further questions, I'd be willing to answer them. Thank you.

SENATOR HARP: Thank you very much for your testimony.

Are there questions?

Yes, Representative Cuevas.

REP. CUEVAS: Thank you for your testimony. I have to tell you that -- that the first time I heard of this organization I was about nine years old.

A VOICE: And now you're ten?

REP. CUEVAS: My -- I was raised by -- I have eight brothers and sisters and grew up with a single mom. And one thing I learned is that, you know, she always struggled being behind, you know, the leadership of men. And as I grew older, me and her had discussions, and I was telling her about this issue, and she's 74 now. And she said to me, you remember behind every strong man there's a strong woman, but it's about time that you allowed to open those

doors to let us lead. And I really appreciate what you guys do.

TERESA YOUNGER: Thank you.

SENATOR HARP: Very nice comment.

Further questions or comment?

If not, thank you so much for the work you do.

TERESA YOUNGER: Thank you.

SENATOR HARP: Michael Winkler followed by Art Ward

MICHAEL WINKLER: Thank you. Senator Harp, Representative Walker, honorable members of the Appropriations Committee. My name is Michael Winkler, I'm First Vice President of the Administrative and Residual Employees Union. We represent the attorneys in classified service. I am testifying in opposition to House Bill 6354, AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING GENERAL GOVERNMENT.

Since its creation in the aftermath of Watergate in 1975, the Freedom of Information Commission has stood for the promise that government is the people's business to know. Legislative acts ensure that independence in important ways. The Citizen's Commission, not the Governor, hires and supervises the executive director who hires and supervises the Commission's legal staff, and the Governor cannot reduce the Commission's budget without the approval and permission of the Legislature.

Thanks for the independence the Legislature has provided and the commission has enjoyed