

PROTECTED INNOCENCE CHALLENGE

STATE ACTION . NATIONAL CHANGE.

CONNECTICUT REPORT CARD 2013

Connecticut's human trafficking law requires the use of force, fraud, or coercion, even when committed against a minor. Buyer laws have weak penalties, unlikely to seriously deter demand. Advances in victim protection through immunity and presumptions need statutory wrap-around protective provisions to respond appropriately to the child victims of sex trafficking.

FINAL SCORE

62

FINAL GRADE

D



8.5

10

15

25

14.5

15

5

10

14

27.5

5

15

CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING

Connecticut's human trafficking law includes the crime of sex trafficking, but it requires the use of force, fraud, or coercion even when the victim is a minor. The state commercial sexual exploitation of children (CSEC) laws include: promoting prostitution of a minor under 18, employing a minor in an obscene performance, patronizing a prostitute, enticing a minor to engage in prostitution, and aggravated sexual assault of a minor. The prostitution statute provides an affirmative defense for victims of human trafficking and a presumption that 16 and 17 year olds were coerced. The state racketeering statute lists human trafficking and some CSEC crimes as predicate acts.

CRIMINAL PROVISIONS ADDRESSING DEMAND

Limited options exist to prosecute demand. The state human trafficking law does not appear to apply to buyers, unless they are also guilty of the predicate crime of coercion. No CSEC laws include the crime of buying sex with a minor. Patronizing a minor for prostitution is a Class C felony, unless the buyer uses the Internet and can then be prosecuted under the CSEC offense of enticing a minor under 16 to engage in prostitution via the Internet. Connecticut's patronizing a prostitute statute does not distinguish between purchasing commercial sex acts with an adult versus a minor. There is no prohibition on an age mistake defense to prosecution for a CSEC offense, leaving open a claim by buyers that they did not know the age of the victim, although a defense that the person solicited could not engage in prostitution because they are in fact a victim is not permitted. A buyer will be required to pay restitution to victims for injury or loss if requested by the victim, but asset forfeiture does not apply to offenses committed by buyers. Buyers convicted of possessing child pornography or enticing a minor under 16 via the Internet to engage in prostitution must register as sex offenders, but registration is not required for patronizing a prostitute even when a minor is involved.

CRIMINAL PROVISIONS FOR TRAFFICKERS

Under the human trafficking and promoting prostitution of a minor CSEC laws, a convicted trafficker could face 1–20 years imprisonment and a possible fine up to \$15,000, and is subject to asset forfeiture and racketeering laws. Commercial sexual exploitation of a minor is punishable by 1–10 years imprisonment and a fine up to \$10,000. Use of the Internet to persuade, entice, or coerce a minor under 16 to engage in prostitution and purchasing advertising space to advertise commercial sex with a minor are felonies. Employing a minor in an obscene performance is a felony punishable by 10–25 years imprisonment and a possible fine up to \$10,000. Aggravated sexual assault of a minor, which includes committing certain CSEC offenses against minors under 13, is a felony punishable by 25–50 years imprisonment and a possible fine up to \$20,000. Victim restitution is mandated for injury or loss when requested by the victim and may be ordered as part of sentence for any crime. Traffickers face discretionary civil asset forfeiture if convicted of sex trafficking or certain CSEC and child pornography offenses. A trafficker is required to register as a sex offender for convictions of CSEC crimes, but not for sex trafficking. Parental rights may be terminated for a conviction of sexual assault resulting in the conception of a child, but not for human trafficking or CSEC convictions.

DEMAND | SELECTED COMMERCIAL SEX CRIMES

Crime (name of law abridged)	Classification	Sentence	Fine (possible)	Asset Forfeiture (available)
Patronizing a prostitute (§ 53a-83)	Class A misdemeanor	Max. 1 year	Max. \$2,000	○
Enticing a minor by computer to engage in prostitution (§ 53a-90a)	Class D felony	1–5 years	Max. \$5,000	○
Enticing a minor under 13 by computer to engage in prostitution (§ 53a-90a(b)(2))	Class B felony	1–20 years	Max. \$15,000	○
Possessing child pornography in the third degree – less than 20 images (§ 53a-196f)	Class D felony	1–5 years	Max. \$5,000	○

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



PROTECTIVE PROVISIONS FOR THE CHILD VICTIMS

Connecticut law provides for the development of programs for responses and services to victims of human trafficking, though not child sex trafficking specifically. Minors under 16 are immune from prosecution for violations of prostitution. Minors 16 and older receive a presumption that they are victims of human trafficking, but minors ages 16-17 could still enter the juvenile justice system as delinquents. Upon arrest of any child for a violation of prostitution, an officer is required to report suspected abuse or neglect to the Department of Children and Families. A victim found to be abused or neglected—a definition which includes sexual exploitation, but not expressly victimization by human trafficking or CSEC—might receive protection through child protective services since the definition of “person responsible for the health, welfare or care of a child or youth” appears broad enough to reach those without legal custody of a minor, allowing child protective services to intervene in non-familial trafficking cases. State crime victims’ compensation eligibility criteria might be barriers to recovery for victims of child sex trafficking. A crime must be reported to police within five days of the commission of the crime or within five days of when a report could reasonably be made; victims must file a claim within two years, though a minor may apply for a waiver if the failure to apply was not the minor’s fault. While these eligibility requirements are waived for victims of sexual assault, they are not waived for sex trafficking or CSEC victims. Connecticut’s victim-friendly criminal justice procedures are limited. The “rape shield” law, which reduces the trauma of cross-examination for testifying victims, does not extend to child victims of sex trafficking or CSEC crimes. Only minor victims of sexual assault or abuse under 12 may testify via closed circuit television. A minor may file a petition to expunge criminal records once the following criteria are attained: reaching age 17, two years have elapsed since convicted, no proceedings are pending against the child, and the child has not been subsequently convicted of a crime. Civil remedies are specifically available for damages resulting from human trafficking but not for other CSEC crimes, and victim restitution is available. A prosecution for human trafficking deemed an offense of sexual exploitation against a minor must be brought within the earlier of 30 years after the minor reaches 18 or five years after the date the victim notifies law enforcement of the offense. Civil actions related to sexual exploitation must be brought within 30 years after the victim reaches 18.

CRIMINAL PROVISIONS FOR FACILITATORS

The state human trafficking law does not include the crime of assisting, enabling, or financially benefiting from human trafficking, limiting the effectiveness of the law to reach all of the trafficking facets. Facilitators can be charged with CSEC offenses and face discretionary civil asset forfeiture if convicted of these offenses. Promoting prostitution of a minor by profiting from the prostitution of a minor under 18, importing child pornography, and promoting a minor in an obscene performance are felonies punishable by 1–20 years imprisonment and a possible fine up to \$15,000. Victim restitution must be ordered for injury or loss if requested by the victim. No laws in Connecticut address sex tourism.

CRIMINAL JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTIONS

Connecticut has developed a training program on trafficking in persons. State law requires two-party consent to record telephone communications. Wiretapping is not expressly authorized for trafficking investigations, though it is authorized for felonious crimes of violence which may include child sex trafficking or CSEC. No law expressly authorizes the use of a decoy in the investigation of prostitution or sex trafficking cases, but law enforcement may use the Internet to investigate offenses of enticing a minor, which includes enticing a minor under 16 to engage in prostitution. Connecticut maintains a statewide clearinghouse on missing children, and requires reporting and maintaining information on missing children, but not specifically reporting located children.

The Report Card is based on the Protected Innocence Legislative Framework, an analysis of state laws performed by the American Center for Law & Justice and Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Legislative Framework Methodology, each completed Report Card, and foundational analysis and recommendations, please visit: www.sharedhope.org.

