

PROTECTED INNOCENCE CHALLENGE

STATE ACTION . NATIONAL CHANGE.

CONNECTICUT REPORT CARD 2015

Connecticut's human trafficking law does not require the use of force, fraud, or coercion when committed against a minor, but only if the minor engaged in "more than one occurrence of sexual contact with one or more third persons." Buyer laws have weak penalties, unlikely to seriously deter demand. Advances in victim protection through partial non-criminalization promote appropriate responses to child sex trafficking victims.

FINAL SCORE

74.5

FINAL GRADE

C



10

10

15.5

25

14.5

15

5

10

22

27.5

7.5

15

CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING

Connecticut's human trafficking law includes the crime of sex trafficking, and does not require the use of force, fraud, or coercion when the victim is a minor, but specifically exempts buyers by requiring that the minor engaged in "sexual contact with one or more third persons." 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

The state human trafficking law is not an available tool to combat demand because it does not criminalize the conduct of buyers of sex with minors. Patronizing a minor for prostitution is a Class C felony and distinguishes between purchasing commercial sex acts with an adult versus a minor. A buyer who uses the Internet to purchase sex acts with a minor under 16 years of age can be prosecuted under the CSEC offense of enticing a minor. There is no prohibition on an age mistake defense to prosecution for enticing a minor and patronizing a minor for prostitution specifically allows an age mistake defense by requiring that the buyer "knew or reasonably should have known" either the minor's age or the minor's status as a victim of human trafficking. A buyer will be required to pay restitution to victims for injury or loss if requested by the victim, and buyers face asset forfeiture for enticing a minor. 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.

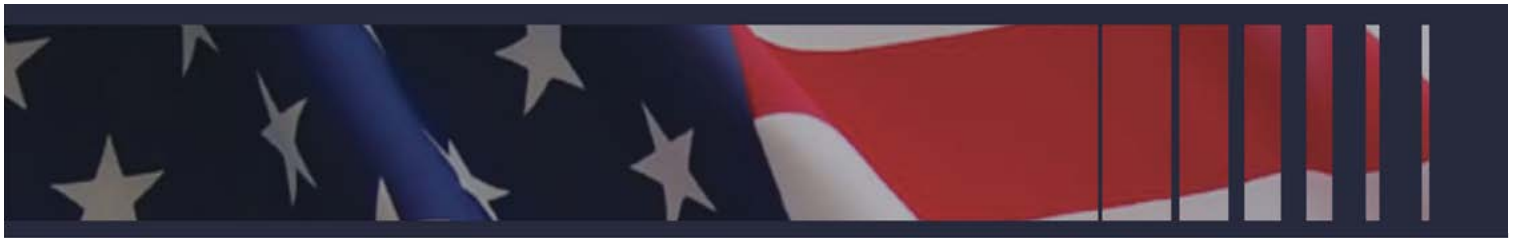
CRIMINAL PROVISIONS FOR TRAFFICKERS

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 when a child of the parent is determined to be "uncared for," which is defined to include children identified as victims of trafficking.

DEMAND | SELECTED COMMERCIAL SEX CRIMES

Crime (name of law abridged)	Classification	Sentence	Fine (possible)	Asset Forfeiture (available)
Patronizing a prostitute (§ 53a-83)	Class C felony	Max. 10 years	Max. \$10,000	○
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	5–20 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. Minors under 16 are not criminally liable for violations of the prostitution law. Minors aged 16 and 17 receive a presumption that they are victims of human trafficking but 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 “uncared for”—a definition which includes juvenile sex trafficking victims—could receive protection through child welfare since the Commissioner of Children and Families is specifically authorized to provide services to any child identified as or reasonably believed to be a victim of trafficking. 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 juvenile sex trafficking victims are specifically authorized to apply for a waiver if the failure to apply was not the minor’s fault. 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. Expungement is available for all juvenile crimes resulting from being a trafficking victim. 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 JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTION

Connecticut has developed a training program on trafficking in persons. State law requires two-party consent to record telephone communications. Wiretapping is authorized for investigations of trafficking in persons and certain CSEC crimes. 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.

CRIMINAL PROVISIONS FOR FACILITATORS

The state human trafficking law does not include the crime of assisting, enabling, or financially benefitting 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.

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.