

CONNECTICUT

REPORT CARD | 2017







Connecticut's human trafficking law does not require the use of force, fraud, or coercion when committed against a minor, but the law does not criminalize buyer conduct. However, advances in victim protection through non-criminalization for prostitution offenses and specialized services promote appropriate responses to child sex trafficking victims.

Final Score

80

Final Grade

B

					
10	16.5	14.5	5	21.5	12.5
10	25	15	10	27.5	15

Criminalization of Domestic Minor Sex Trafficking

Connecticut's human trafficking law does not require the use of force, fraud, or coercion 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," "commercial sexual abuse of a minor," "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. The state racketeering statute lists human trafficking and some CSEC crimes as predicate acts.

Criminal Provisions for Demand

The trafficking law does not apply to buyers of sex with minors. Two CSEC laws criminalize buyer conduct: "commercial sexual abuse of a minor" and "enticing a minor." "Commercial sexual abuse of a minor" is punishable by up to 20 years imprisonment and a \$15,000 fine (or up to 25 years imprisonment and a \$20,000 fine if the victim is under 15 years of age), while "enticing a minor" is punishable by up to 5 years imprisonment and a \$5,000 fine (or up to 20 years imprisonment and a \$15,000 if the victim is under 13 years of age). Connecticut distinguishes between buying sex with an adult versus a minor by creating distinct offenses. "Enticing a minor" prohibits buyers from using the Internet to purchase sex acts with a minor. Connecticut's buyer-applicable offenses do not prohibit a mistake of age defense. Buyers 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." Possessing images of child sexual exploitation (ICSE) is prohibited in three degrees, but penalties do not always reflect the seriousness of the offense. Buyers convicted of possessing ICSE or "enticing a minor" are required to register as sex offenders, but registration is not required for those convicted of "commercial sexual abuse of a minor."

Criminal Provisions for Traffickers

"Trafficking in persons" is punishable by up to 25 years imprisonment and a \$20,000 fine, while "promoting prostitution in the first degree" is punishable by up to 20 years imprisonment and a \$15,000 fine. "Commercial sexual exploitation of a minor" is punishable by up to 10 years imprisonment and a \$10,000 fine. Creating and distributing ICSE is prohibited under two offenses, "employing a minor in an obscene performance" and "promoting a minor in an obscene performance," which carry penalties comparable to those for similar federal offenses. Using the Internet to persuade, entice, or coerce a minor to engage in prostitution or sexual activity" is prohibited. Victim restitution is mandated for injury or loss when requested by the victim of any crime. Traffickers face discretionary civil asset forfeiture if convicted of sex trafficking or certain CSEC or ICSE offenses. Persons convicted under the trafficking law are not required to register as sex offenders; however, those convicted of "enticing a minor," "promoting prostitution in the first degree," "employing a minor in an obscene performance," "promoting an obscene performance," and "importing child pornography" will be required to register. 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.



Criminal Provisions for Facilitators

“Trafficking in persons” does not include the crime of assisting, enabling, or financially benefitting from human trafficking; to the extent the trafficking law applies to facilitators, a conviction is punishable by up to 25 years imprisonment and a \$20,000 fine. “Promoting prostitution in the first degree” applies to those who advance or profit from the prostitution of a minor, a conviction of which is punishable by up to 20 years imprisonment

and a \$15,000 fine. Facilitators face discretionary civil asset forfeiture, and victim restitution must be ordered for injury or loss if requested by the victim. No laws in Connecticut address sex tourism. Penalties for “promoting a minor in an obscene performance” or “importing child pornography” are comparable to those for similar federal offenses.



Protective Provisions for the Child Victims

Not all commercially sexually exploited children are defined as juvenile sex trafficking victims because the sex trafficking law does not protect minors who are exploited by buyers without an identified trafficker. Connecticut’s trafficking and CSEC offenses do not prohibit a defense based on the willingness of the minor to engage in the commercial sex act. Minors are not criminally liable for violations of the prostitution law. In lieu of delinquency proceedings, law enforcement must refer minors arrested for prostitution offenses to the Department of Children and Families. Further, Connecticut law specifically authorizes child welfare to provide specialized services to juvenile sex trafficking victims. 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. Connecticut law allows child sex trafficking victims to immediately apply for vacatur of adjudications for prostitution; further, records relating to trafficking victimization may be expunged without a waiting period under Connecticut’s general expungement statute. Civil remedies are specifically available for damages resulting from human trafficking but not for other CSEC crimes, and victim restitution is available. Prosecutions for class A felonies, including “trafficking in persons” and certain CSEC offenses, may commence at any time. 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 mandates law enforcement training on trafficking related issues. State law requires two-party consent to record telephone communications. Wiretapping is authorized for investigations of “trafficking in persons” and certain CSEC crimes. State law prohibits a defense based on the use of a law enforcement decoy posing as a minor to investigate “commercial sexual

abuse of a minor” and “enticing a minor.” Further, law enforcement may use the Internet to investigate those who entice a minor for prostitution. Connecticut maintains a statewide clearinghouse on missing children; state law requires reporting missing children, but not recovered missing children.

The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.