

Legislative History for Connecticut Act

PA 15-195

HB6849

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Transcripts from the Joint Standing Committee Public
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2015**

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SPEAKER SHARKEY:

The bill, as amended, passes. [gavel] Will the Clerk please call Calendar 458.

THE CLERK:

On Page 35, House Calendar 458, Favorable Report of the Joint Standing Committee on Judiciary, House Bill 6849, AN ACT STRENGTHENING PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING.

SPEAKER SHARKEY:

The distinguished Chairman of the Judiciary Committee, Representative Tong. You have the floor, sir.

REP. TONG (147th):

Good evening, Mr. Speaker.

SPEAKER SHARKEY:

Good evening, sir.

REP. TONG (147th):

Good to see you this evening. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

The question before the Chamber is acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir.

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REP. TONG (147th):

Mr. Speaker, this bill strengthens our state laws to combat human trafficking. In particular, it focuses on protecting minors that might be the victim of human trafficking that can include forced labor, prostitution, and trafficking in persons that our state wants to take a strong stand on and prevent.

In the section about the definition of human trafficking, it provides generally that a person is guilty of trafficking in persons when such person compels or induces another person to involve - to engage in conduct involving more than one occurrence of sexual contact with one or more third persons or to provide labor or services that such person has a legal right to refrain from providing. Usually it requires also the use of force, fraud, or coercion.

With respect to minors, we're now expanding the law to make sure that we capture all forms of human trafficking involving minors. And we remove the requirement that you prove fraud or force or coercion to make sure we capture all the different forms of human trafficking affecting minors.

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There are a variety of other changes here in this bill that also provide, for example, expanding our wiretapping law to combat human trafficking. Also there's a Trafficking in Persons Council, expanding the membership on that council, and also providing for changes to the way in which we compensate the victims of human trafficking.

Mr. Speaker, the Clerk has an Amendment LCO No. 7079. I ask that the Clerk please call the amendment and I be given leave to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 7079, which will be designated House Amendment "A."

CLERK:

House "A," LCO 7079, as introduced by Representative Tong.

SPEAKER SHARKEY:

The gentleman has sought leave of the Chamber to summarize. Is there objection? Seeing none, you may proceed with summarization, sir.

REP. TONG (147th):

Thank you, Mr. Speaker. This amendment contains language I referenced earlier that expands the definition of human trafficking to capture more

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forms of human trafficking involving minors, and I
move adoption.

SPEAKER SHARKEY:

The question before the Chamber is adoption of
House "A." Will you remark? Distinguished ranking
member of the Judiciary Committee, Representative
Rebimbas.

REP. REBIMBAS (70th):

Thank you. I rise in support of the amendment
that's before us. As the good Chairman has
highlighted, I rise in support of the amendment
because during the Judiciary Committee hearing and
in review of the proposal that was before us, the
definition of what would be human trafficking was
much too broad and may unintentionally incorporate
other services out there. The original language had
to do with labor or services that such person has a
legal right to refrain from, and that was certainly
found to be very general and broad, which could've
been incorporating unintentional types of labor and
services.

What the amendment before us certainly does,
again is just clarifying specifically the intent
and again highlighting prostitution or sexual

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conduct by which the third person may be charged with a criminal offense, so clearly clarifying the fact that it would be something that is already understood to be a criminal offense.

And just for further clarifications, through you, regarding the new enhanced penalty that we find in the amendment, I believe it's a Class B felony, and just for, again, clarification purposes, if the kind Chairman could just highlight what the Class B felony is in the State of Connecticut.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, Mr. Speaker. A Class B felony is a felony that carries an imprisonment of one to 20 years and a fine of up to \$15,000. Through you.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And I thank the Chairman for his explanation in that regard. Again, the Chairman has already highlighted the underlying bill that if the amendment is passed will be incorporated. It's

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certainly a very good bill. It's one that does protect specifically, most importantly, minors who are victims of sex trafficking, so again, our most vulnerable, and we want to be able to protect them. So I do stand in support of the amendment and the underlying bill hopefully that will be amended.

SPEAKER SHARKEY:

Thank you, madam. Would you care to remark further on House Amendment "A?" Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. Just briefly. I know the underlying bill that the Governor had originally proposed had some language about creating a crime for trafficking for if a child is induced to engage in labor or services that the person has a legal right to refrain from providing.

And one of the concerns that I had in the underlying bill was that, for instance, if you have a Boy Scout troop and you had the children that wanna volunteer their services and help out in a project, and the scout master's telling them it's - you can do this. You're induced to do this for community service to earn your rank requirements,

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that under the underlying bill that would've made it a human trafficking crime. Does the amendment correct that and take out that suggested proposal? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Tong.

REP. TONG (147th):

Through you, it does. That is the very purpose of the amendment. Although I should make it clear that if a person compels or induces a minor by force, or with fraud, or by coercion to perform any services, including any sexual contact with third persons, that that is still human trafficking. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I think this is a good amendment to certainly protect our children and not be overly broad to affect some good projects, such as, you know, community service and outreach. Thank you.

SPEAKER SHARKEY:

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Thank you, sir. Would you care to remark further on House Amendment "A?" If not, let me try your minds. All those in favor of House "A," please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay. The ayes have it. The amendment is adopted. [gavel] Would you care to remark on the bill as amended? Would you care to remark further on the bill as amended? If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

CLERK:

[bell ringing] The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please report to the Chamber immediately.

[pause]

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will the members please check the

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board to make sure your vote is properly cast. If all the members have voted, the machine will be locked, and the Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

House Bill 6849, as amended by House "A"

Total Number Voting 144

Necessary for Passage 73

Those voting Yea 144

Those voting Nay 0

Absent and not voting 7

SPEAKER SHARKEY:

The bill, as amended, passes. [gavel] Will the Clerk please call Calendar 92.

CLERK:

On Page 2, Calendar 92, Favorable Report of the Joint Standing Committee on the Environment, Substitute House Bill 6729, AN ACT CONCERNING THE USE OF CERTAIN NOISE-MAKING DEVICES FOR AGRICULTURAL PURPOSES.

SPEAKER SHARKEY:

The distinguished member of the Environment Committee. Representative Albis, you have the floor, sir.

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SENATE

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June 3, 2015

THE CHAIR:

Please proceed, sir.

SENATOR DUFF:

Thank you, Madam President. Could we call on Calendar page - let's see, I'll go in page order, how's that. On Calendar Page 9, Calendar 508, House Bill 7048 to placed on the Consent Calendar.

THE CHAIR:

Without objection.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 10, Calendar 523, House Bill 6849, would like to place that on the Consent Calendar.

THE CHAIR:

Without objection.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 12, Calendar 545, House Bill 7029 I'd like to place on the Consent Calendar.

THE CHAIR:

Without objection.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 13, Calendar 567, House Bill 6921, I'd like to place that item on Consent Calendar.

THE CHAIR:

Without objection, sir.

SENATOR DUFF:

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SENATE

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June 3, 2015

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 9, Calendar 503, House Bill 6117, I'd like to place that item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR DUFF:

Thank you, Madam President. On Calendar Page 8, Calendar 501, House Bill 6830, like to place that item on Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR DUFF:

Thank you, Madam President. We have a number of other items on the Consent Calendar from earlier. If the Clerk can call those items and the ones I just added. And we may have a vote on the first Consent Calendar of the day.

THE CHAIR:

Thank you, sir. Mr. Clerk.

CLERK:

On Page 9, Calendar 508, House Bill 7048. On Page 8, Calendar 501, House Bill 6830. Also on Page 9, Calendar 503, House Bill 6117. Page 10, Calendar 523, House Bill 6849. Page 11, Calendar 529, House Bill 6823. Page 12, Calendar 545, House Bill 7029.

Also on Page 12, Calendar 540, House Bill 6919. And on Page 13, Calendar 567, House Bill 6921. Page 13, Calendar 561, House Bill 6907. Page 16, Calendar 598, House Bill 7003. Page 16, Calendar 595, House Bill 6820. On Page 17, Calendar 600, House Bill 6855.

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Page 18, Calendar 613, House Bill 6899. Page 18, Calendar 615, House Bill 6737. On Page 19, Calendar 616, House Bill 6856. Also on Page 19, Calendar 622, House Bill 6186. On Page 20, Calendar 628, House Bill 7027. Page 20, Calendar 626, House Bill 7023.

Page 21, Calendar 632, House Bill 6774. Page 22, Calendar 643, House Bill 5780. On Page 22, Calendar 646, House Bill 7021. On Page 23, Calendar 649, House Bill 5793. Page 24, Calendar 651, House Bill 6987. Page 27, Calendar 408, Senate Bill 1030.

On Page 28, Calendar 517, House Bill 6498. Also on Page 28, Calendar 436, House Bill 5903. And on Page 30, Calendar 432, Senate Bill 1105.

THE CHAIR:

The machine will be opened. Clerk will announce a pendency of roll call vote.

CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call on Consent Calendar No. 1 has been ordered in the Senate.

[pause]

THE CHAIR: (The President in the Chair)

If all members voted, all members voted, the machine will be closed. Mr. Clerk, will you please call the tally.

CLERK:

On Consent Calendar No. 1

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Absent/not voting	0

THE CHAIR:

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Consent Calendar passes. [gavel] Good afternoon,
Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Madam President, I would ask that the Clerk now please call from Senate Agenda No. 1, Emergency Certified Bill, House Bill 7061, please.

THE CHAIR:

Mr. Clerk.

CLERK:

House Bill No. 7061, AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2017, AND MAKING APPROPRIATIONS THEREFOR, AND OTHER PROVISIONS RELATED TO REVENUE, DEFICIENCY APPROPRIATIONS, TAX FAIRNESS AND ECONOMIC DEVELOPMENT.

THE CHAIR:

It will be a good afternoon and a good evening. But a good afternoon, Senator Bye.

SENATOR BYE:

Good afternoon, Madam President. Nice to see you today.

THE CHAIR:

It's good to be seen and good to see you, ma'am.

SENATOR BYE:

Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

The motion's on acceptance and passage in conjunction with the House. Would you remark?

**JOINT
STANDING
COMMITTEE
HEARINGS**

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other families that are also in detention custody.

In the meantime, however, my relationship with my teenage daughter has suffered drastically. My eventual reintegration into society was slowed down by the financial woes that incarceration always produces, and still I find myself constrained almost to the breakin' point by a monitorin' system for ICE detainees who are released.

I petition today to ask the members of the, this Judiciary Committee to take a look at the de - the detainers that ICE has been using to cause family members a great harm and distress. Thank you.

SEN. COLEMAN: Thank you. Are there questions for Mr. Reid? Any questions for Mr. Reid? If not, thank you.

MARK REID: Thank you.

SEN. COLEMAN: Michael Williams is next. Good morning, Commissioner.

HB 7048
HB 7042
MICHAEL WILLIAMS: Good morning. Good morning, Senator Coleman, Representative Tong, Senator Kissel, of course Representative Rebinbas, and members of the Judiciary Committee.

My name is Michael Williams, and I am the Deputy Commissioner for the Department of Children and Families, and I'm joined by Barbara Claire, DCF's legal director. We're here to testify on three of the bills on your Public Hearing Agenda.

First, we'd like to speak in support of bill No. 6849. It's AN ACT STRENGTHENING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING. Our written testimony that we have submitted includes a section-by-section summary of this bill.

This bill introduced by Governor Malloy makes a number of statutory changes to better protect victims of human trafficking and to strengthen criminal penalties for perpetrators.

Over the past four years, the State of Connecticut, with the support of the General Assembly, has put forth tremendous efforts to end the sale of our children. And for DCF, these efforts fall within three main categories. Identification and response, awareness and education, and restore and recovery.

And since 2008, when collaborative efforts in Connecticut significantly increased, both internally at DCF and externally with the community, there've been over 300 children who have been identified and confirmed as victims of domestic minor sex trafficking.

Of the victims identified, the majority have been involved with Child Welfare Services in some manner. And many of these children have been victimized while in foster care or congregate care.

Next, DCF would like to offer its support of H.B. No. 7048, AN ACT CONCERNING PREVENTION, DETECTION, AND MONITORING OF PRISON RAPE IN JUVENILE FACILITIES. This bill amends Section 18-81 of the general statutes to require that juvenile facilities be covered by applicable standards recommended by the National Prison Rape Elimination Commission.

The department is already complying with federal PREA standards within its facilities, and we have no objection to this statutory change.

And at this time, I'd like to turn it over to Barbara Claire for testimony on H.B. No. 7042, AN ACT CONCERNING THE PLACEMENT OF CHILDREN BY THE COMMISSIONER OF CHILDREN AND FAMILIES.