



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director
Renee Cimino, Director of Delinquency Defense and Child Protection
Office of Chief Public Defender**

JUDICIARY COMMITTEE - MARCH 24, 2025

Raised Bill 7236

AN ACT CONCERNING HUMAN TRAFFICKING AND SEXUAL ASSAULT VICTIMS

The Office of Chief Public Defender (OCPD) supports Section 16 of Raised Bill 7236, An Act Concerning Human Trafficking Civil and Sexual Assault Victims but believes it does not go far enough to protect and assist in the defense of victims of trafficking and sexual assault. *OCPD believes that an affirmative defense should be available to both juveniles and adults victims regardless of whether they are charged with a felony or misdemeanor.* In addition, while OCPD takes no position for or against the inclusion of trafficking and sexual assault victims, it believes that the legislation should be clearer on the definition on whether status of a victim of such is based on being a victim in a case in which a conviction occurred. If not, how is the status attained and supported? Clarity in the statute will provide for a consistent application of protection.

As indicated, OCPD is in support of Section 16 which provides an affirmative defense for a person charged with the commission of an offense while under the age of 18. An affirmative defense permits a person to present evidence as to why he/she committed the conduct they are charged with. An affirmative defense can only be raised at trial. Raising an affirmative defense is separate from the prosecution's burden which is to prove every element of an offense beyond a reasonable doubt. Raising an affirmative defense places the burden on the defendant to demonstrate that he/she was justified or had a reason for committing the

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Judiciary Committee

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H. B. 7236 An Act Concerning Human Trafficking and Sexual Assault Victims
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conduct. Currently there are at least 50 Connecticut statutes which provide an affirmative defense to various offenses.

However, the narrow application to only misdemeanors does not go far enough to protect victims and leaves a large group of victims without any protection who are charged with felonies – where the stakes and penalties are even higher and are faced by many victims of Human Trafficking and Sexual Assault. First, jury trials do not exist in juvenile court, and juveniles charged with a misdemeanor will most likely resolve their matter as a non-judicial matter. Misdemeanor cases in juvenile court are never, by law, transferred to the adult court. For example, a victim charged with a narcotic, larceny or robbery offense would not be able to avail themselves of the affirmative defense.

Human traffickers often prey upon, and target youth involved in the child welfare and/or juvenile justice system. These vulnerable children are deceived and coerced to participate in criminal activity with the promise of a better life. They are fearful of telling the authorities the reality of their situation, believing that doing so will implicate them in criminal liability. Allowing an affirmative defense for juveniles in misdemeanor cases where participation in the crime was the result of being trafficked affords young victims the opportunity to present their stories of abuse to the court to negate criminal liability of the offense. This legislation is a positive advancement for child victims of human trafficking.

However, OPCD feels strongly that this legislation does not go far enough to protect young victims of trafficking and sexual assault. As a result, *OCPD requests that an affirmative defense be provided to both adult and juvenile victims of trafficking and sexual assault charged with a felony or misdemeanor.* In the alternative, OCPD requests that the affirmative defense be extended beyond misdemeanor arrests for juvenile victims. Thank you.