



General Assembly

February Session, 2006

Raised Bill No.

619

LCO No. 3016



Referred to Committee on

JUDICIARY

Introduced by:

(JUD)

**AN ACT CONCERNING THE SEIZURE OF MOTOR VEHICLES OF
SEXUAL PREDATORS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2006*) (a) A person is guilty of
2 using a motor vehicle to engage in unlawful sexual activity with a
3 minor when such person, while occupying a motor vehicle, engages in
4 sexual activity for which the actor may be charged with a criminal
5 offense with a person under sixteen years of age whom the actor has
6 persuaded, induced, enticed or coerced to engage in such sexual
7 activity in violation of section 53a-90a of the general statutes.
- 8 (b) Using a motor vehicle to engage in unlawful sexual activity with
9 a minor is a class A misdemeanor and the motor vehicle used in the
10 commission of the offense shall be subject to forfeiture to the town in
11 which the offense was committed in accordance with sections 2 to 4,
12 inclusive, of this act.
- 13 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) When any motor vehicle
14 which may have been used in a violation of section 1 of this act has
15 been seized as a result of a lawful arrest for a violation of said section

16 and which the town in which the violation was committed seeks to
 17 have destroyed or disposed of in accordance with the provisions of
 18 this section, the law enforcement agency arresting the person accused
 19 of violating section 1 of this act shall, not later than ten days after such
 20 seizure, cause to be left with the owner of, and with any person
 21 claiming of record a bona fide lien, lease or security interest in the
 22 vehicle so seized as of the date of seizure, or at such owner's or other
 23 person's usual place of abode, a summons notifying the owner and any
 24 such other person claiming such interest that the motor vehicle has
 25 been seized, that the owner or such owner's agent, permittee or lessee
 26 may secure release of the motor vehicle upon substitution of a bond as
 27 provided in section 4 of this act and that the owner or other interested
 28 person shall appear before such judge or court at a place and time
 29 named in such notice which shall be not less than ten nor more than
 30 twenty days after the service thereof. Such summons may be signed by
 31 a clerk of the court or such clerk's assistant and service may be made
 32 by a local or state police officer or by registered or certified mail. It
 33 shall describe such motor vehicle with reasonable certainty and state
 34 when, where and why the same was seized.

35 (b) The owner or any other person claiming an interest in the motor
 36 vehicle who has received notice of its seizure pursuant to subsection
 37 (a) of this section or any other person claiming an interest in the motor
 38 vehicle may appear at such hearing. The hearing shall be deemed a
 39 civil suit in equity. At such hearing the prosecuting authority shall
 40 have the burden of proving all material facts by clear and convincing
 41 evidence. No testimony offered or evidence produced by such owner
 42 or interested person at such hearing and no evidence discovered as a
 43 result of or otherwise derived from such testimony or evidence, may
 44 be used against such owner or interested person in any proceeding,
 45 except that no such owner or interested person shall be immune from
 46 prosecution for perjury or contempt committed while giving such
 47 testimony or producing such evidence. If, after such hearing, the court
 48 finds that the prosecuting authority has failed to meet its burden of
 49 showing that the motor vehicle was used in a violation of section 1 of

50 this act and that such owner or interested person knew or should have
51 reasonably known that such motor vehicle was being used or was
52 intended to be used in a violation of section 1 of this act, the court shall
53 order that such motor vehicle be released to such owner or interested
54 person or shall take such other action as may be necessary to protect
55 the interest of such person or persons.

56 (c) Upon conviction of a person for a violation of section 1 of this
57 act, the court may render a judgment that the motor vehicle used in the
58 commission of the offense be forfeited to the town in which the
59 violation was committed and order the same to be disposed of to a
60 charitable or educational institution or to a governmental agency or
61 institution or be destroyed, provided, if any such motor vehicle is
62 subject to a bona fide lien, lease or security interest, such motor vehicle
63 shall not be so disposed of or destroyed in violation of the rights of the
64 holder of such interest. When any motor vehicle has been ordered
65 forfeited to a town under this section, the court may also order that
66 such motor vehicle be sold by sale at public auction in which case the
67 proceeds shall be applied: (1) To payment of the balance due on any
68 lien recognized or preserved by the court; (2) to payment of any costs
69 incurred for the storage, maintenance, security and forfeiture of such
70 vehicle; and (3) to be deposited in the general fund of the town.

71 (d) Upon final disposition other than conviction for a violation of
72 section 1 of this act, the court shall order the vehicle returned to its
73 owner.

74 (e) If the court concludes that a motor vehicle previously owned by
75 the defendant would have been subject to forfeiture under this section
76 but for the fact that it was transferred by the defendant prior to the
77 judgment of forfeiture with the intention of preventing its forfeiture
78 under this section, the court may set aside such transfer. The court may
79 also render any other appropriate order reasonably necessary to
80 protect the rights of any innocent party to any such transfer.

81 (f) At any time either before or after a judgment of forfeiture under

82 this section, the Chief State's Attorney shall have the authority to
83 compromise or otherwise remit or mitigate in whole or in part any
84 claim or potential claim of the town arising under this section.

85 Sec. 3. (NEW) (*Effective October 1, 2006*) No motor vehicle shall be
86 forfeited under sections 2 to 4, inclusive, of this act to the extent of the
87 interest of an owner or lienholder by reason of an act or omission
88 committed by another person unless such owner or lienholder knew or
89 should have reasonably known that such motor vehicle was being
90 used or was intended to be used in a violation of section 1 of this act.
91 No motor vehicle that is jointly owned shall be forfeited under sections
92 2 to 4, inclusive, of this act unless all owners of record knew or should
93 have reasonably known that such motor vehicle was being used or was
94 intended to be used in a violation of section 1 of this act.

95 Sec. 4. (NEW) (*Effective October 1, 2006*) (a) Any motor vehicle seized
96 in connection with the arrest of a person for a violation of section 1 of
97 this act shall be released to the owner thereof or such owner's agent,
98 permittee or lessee upon the substitution of cash or a bond with surety
99 or a lien on any other property of the owner or such owner's agent,
100 permittee or lessee which has a net equity value equal to or greater
101 than the fair market value of the motor vehicle.

102 (b) If a motor vehicle seized in connection with the arrest of a person
103 for a violation of section 1 of this act is released pursuant to subsection
104 (a) of this section and such person is convicted of such violation, the
105 owner of the motor vehicle or such owner's agent, permittee or lessee
106 shall deliver the motor vehicle in substantially the same condition as
107 when it was seized, reasonable wear and tear excepted, not later than
108 five days after the judgment of forfeiture to the party designated by
109 the court in such judgment. If the motor vehicle is delivered as
110 ordered, the court shall order the bond or other security substituted
111 pursuant to subsection (a) of this section to be returned to such owner
112 or such owner's agent, permittee or lessee. If the motor vehicle is not so
113 delivered, the court shall order such bond or other security to be

114 forfeited and the proceeds disposed of as provided in subsection (c) of
115 section 2 of this act.

116 (c) If the defendant is not convicted of a violation of section 1 of this
117 act, the court shall order the bond or other security substituted
118 pursuant to subsection (a) of this section to be returned to such owner
119 or such owner's agent, permittee or lessee.

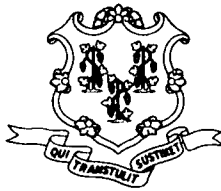
This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	New section

Statement of Purpose:

To authorize the forfeiture of motor vehicles used by persons who use computers to entice minors to engage in sexual activity.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



2006 [SB 619]

~~MRP~~ yes

2/24 #28

State of Connecticut

SENATE

STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

SENATOR JOAN V. HARTLEY
FIFTEENTH DISTRICT

DEPUTY PRESIDENT PRO TEMPORE

CHAIR
HIGHER EDUCATION & EMPLOYMENT ADVANCEMENT COMMITTEE

VICE-CHAIR
APPROPRIATIONS COMMITTEE
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TO: Senator Andrew McDonald, Co-Chair ✓
Representative Michael Lawlor, Co-Chair
Senator Mary Ann Handley, Vice-Chair
Representative James Spallone, Vice-Chair

FROM: Senator Joan V. Hartley *JVH*

DATE: February 14, 2006

RE: Raise Bill re: Sexual Predators Enticing Minors on the Internet

As we are all aware, there has been an increase in internet sexual predators targeting our children and leading to sexually explicit meetings and outcomes. For example, part of my district extends to Naugatuck; the Naugatuck Police Department has arrested 10 predators to date, and through the arrest process the police have learned that the perpetrators planned to have sex with juveniles in their vehicles. Therefore, the Naugatuck Police Department attempts to seize these vehicles, but the courts rule that the vehicles weren't used in a crime; therefore they have to be returned to the predators. It is the Department's feeling that these vehicles were used in the commission of a crime and pre-meditated plans were made to have sex with juveniles in these vehicles.

Connecticut State Statue 53a-83a, Titled Patronizing a Prostitute from a Motor Vehicle, which states "any motor vehicle used in the commission of this offense shall be subject to forfeiture to the state in accordance with sections 53-36j to 54-261." I am requesting that the Judiciary Committee raise a bill similar to the above statue pertaining to State Statue 53a-90a Enticing a Minor. The above statue states the these Motor Vehicles are subject to forfeiture to the STATE, but I would ask that that these vehicles be subject to forfeiture to the TOWN where these predators are arrested.

Please know that Federal Statue on these type of cases there is a minimum / mandatory five year jail sentence. The last predator that the Naugatuck Police Department arrested for arranging to meet a juvenile female for the purpose of sex over the internet was sentenced by the Waterbury Court for 60 days. This sentence is just inexcusable in the fight to protect our children. Therefore a minimum / mandatory jail sentence would be appropriate.

Thank you for your consideration, please feel free to contact me should I be able to provide additional assistance and/ or support.