

An Act

HOUSE BILL 14-1273

BY REPRESENTATIVE(S) McCann and Wright, Becker, Buckner, Conti, Duran, Exum, Fields, Fischer, Garcia, Gardner, Gerou, Ginal, Hamner, Hullinghorst, Kagan, Lawrence, Lebsock, Lee, May, Melton, Moreno, Murray, Peniston, Pettersen, Primavera, Priola, Rosenthal, Saine, Salazar, Schafer, Scott, Singer, Tyler, Vigil, Williams, Young, Ferrandino; also SENATOR(S) Newell and Schwartz, Kefalas, Aguilar, Balmer, Baumgardner, Brophy, Cadman, Crowder, Grantham, Guzman, Harvey, Heath, Herpin, Hill, Hodge, Jahn, Johnston, Jones, Kerr, King, Lambert, Lundberg, Marble, Nicholson, Renfroe, Rivera, Roberts, Scheffel, Steadman, Tochtrop, Todd, Ulibarri, Zenzinger, Carroll.

CONCERNING HUMAN TRAFFICKING, AND, IN CONNECTION THEREWITH,
MAKING AND REDUCING APPROPRIATIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments**, part 5 of article 3 of title 18 as follows:

PART 5 HUMAN TRAFFICKING AND SLAVERY

18-3-501. Legislative declaration. (1) THE GENERAL ASSEMBLY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

HEREBY FINDS AND DECLARES THAT:

(a) HUMAN TRAFFICKING CONSTITUTES A SERIOUS PROBLEM IN COLORADO AND ACROSS THE NATION;

(b) HUMAN TRAFFICKING IS ABHORRENT TO A CIVILIZED SOCIETY AND DESERVING OF THE MOST DILIGENT RESPONSE FROM THE STATE;

(c) HUMAN TRAFFICKING OFTEN INVOLVES MINORS WHO HAVE BEEN FORCED INTO INVOLUNTARY SERVITUDE AND COMMERCIAL SEXUAL ACTIVITY;

(d) HUMAN TRAFFICKING CAN TAKE MANY FORMS BUT GENERALLY INCLUDES THE USE OF PHYSICAL ABUSE, THREATS OF HARM, OR FEAR OF OTHER CONSEQUENCES TO PREVENT VICTIMS FROM REPORTING THE ACTIVITY; AND

(e) HUMAN TRAFFICKING CREATES A CYCLE OF VIOLENCE, IMPACTING VICTIMS, FAMILIES, AND COMMUNITIES.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) LEGISLATION IS REQUIRED TO COMBAT THIS DESPICABLE PRACTICE, TO MAKE IT EASIER TO PROSECUTE AND PUNISH PERSONS WHO ENGAGE IN HUMAN TRAFFICKING, AND TO PROTECT THE VICTIMS; AND

(b) THE GENERAL ASSEMBLY SUPPORTS A COMPREHENSIVE APPROACH TO COMBATING HUMAN TRAFFICKING, WHICH APPROACH INCLUDES PREVENTION, PROTECTION, PROSECUTION, AND PARTNERSHIPS.

(3) NOW, THEREFORE, THE GENERAL ASSEMBLY JOINS THE FEDERAL GOVERNMENT AND OTHER STATES AROUND THE NATION IN PASSING LEGISLATION IN ORDER TO COMBAT HUMAN TRAFFICKING AND PROTECT THE VICTIMS.

18-3-502. Definitions. AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER.

(2) "COERCING" MEANS INDUCING A PERSON TO ACT OR TO REFRAIN FROM ACTING, IF THE INDUCEMENT IS ACCOMPLISHED BY ANY ONE OR MORE OF THE FOLLOWING MEANS:

(a) THE USE OR THREAT OF THE USE OF FORCE AGAINST, ABDUCTION OF, CAUSING OF SERIOUS HARM TO, OR PHYSICAL RESTRAINT OF A PERSON;

(b) THE USE OF A PLAN, PATTERN, OR STATEMENT FOR THE PURPOSE OF CAUSING THE PERSON TO BELIEVE THAT FAILURE TO PERFORM THE ACT OR FAILURE TO REFRAIN FROM PERFORMING THE ACT WILL RESULT IN THE USE OF FORCE AGAINST, ABDUCTION OF, CAUSING OF SERIOUS HARM TO, OR PHYSICAL RESTRAINT OF THAT PERSON OR ANOTHER PERSON;

(c) USING OR THREATENING TO USE THE LAW OR THE LEGAL PROCESS, WHETHER ADMINISTRATIVE, CIVIL, OR CRIMINAL, IN ANY MANNER OR FOR ANY PURPOSE FOR WHICH THE LAW WAS NOT DESIGNED;

(d) THREATENING TO NOTIFY LAW ENFORCEMENT OFFICIALS THAT A PERSON IS PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAWS;

(e) THE DESTRUCTION OR TAKING, OR A THREAT TO DESTROY OR TAKE, A PERSON'S IDENTIFICATION DOCUMENT OR OTHER PROPERTY;

(f) CONTROLLING OR THREATENING TO CONTROL A PERSON'S ACCESS TO A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5);

(g) THE USE OF DEBT BONDAGE; OR

(h) THE EXPLOITATION OF A PERSON'S PHYSICAL OR MENTAL IMPAIRMENT, WHERE SUCH IMPAIRMENT HAS A SUBSTANTIAL ADVERSE EFFECT ON THE PERSON'S COGNITIVE OR VOLITIONAL FUNCTIONS.

(3) "COMMERCIAL SEXUAL ACTIVITY" MEANS SEXUAL ACTIVITY FOR WHICH ANYTHING OF VALUE IS GIVEN TO, PROMISED TO, OR RECEIVED BY A PERSON.

(4) "DEBT BONDAGE" MEANS:

(a) DEMANDING COMMERCIAL SEXUAL ACTIVITY AS PAYMENT

TOWARD OR SATISFACTION OF A REAL OR PURPORTED DEBT; OR

(b) DEMANDING LABOR OR SERVICES AS PAYMENT TOWARD OR SATISFACTION OF A REAL OR PURPORTED DEBT AND FAILING TO APPLY THE REASONABLE VALUE OF THE LABOR OR SERVICES TOWARD THE LIQUIDATION OF THE DEBT; OR

(c) DEMANDING LABOR OR SERVICES WHERE THE LENGTH OF THE LABOR OR SERVICES IS NOT LIMITED AND THE NATURE OF THE LABOR OR SERVICES IS NOT DEFINED.

(5) "IDENTIFICATION DOCUMENT" MEANS A REAL OR PURPORTED PASSPORT, DRIVER'S LICENSE, IMMIGRATION DOCUMENT, TRAVEL DOCUMENT, OR OTHER GOVERNMENT-ISSUED IDENTIFICATION DOCUMENT, INCLUDING A DOCUMENT ISSUED BY A FOREIGN GOVERNMENT.

(6) "MAINTAIN" MEANS TO PROVIDE SUSTENANCE OR CARE FOR A MINOR AND INCLUDES BUT IS NOT LIMITED TO PROVIDING SHELTER, FOOD, CLOTHING, DRUGS, MEDICAL CARE, OR COMMUNICATION SERVICES.

(7) "MAKES AVAILABLE" MEANS TO FACILITATE CONTACT BETWEEN A MINOR AND ANOTHER PERSON.

(8) "MINOR" MEANS A PERSON LESS THAN EIGHTEEN YEARS OF AGE.

(9) "PERSON" HAS THE SAME MEANING AS SET FORTH IN SECTION 2-4-401 (8), C.R.S.

(10) "SERIOUS HARM" MEANS BODILY INJURY OR ANY OTHER HARM, WHETHER PHYSICAL OR NONPHYSICAL, INCLUDING PSYCHOLOGICAL, FINANCIAL, OR REPUTATIONAL HARM, WHICH IS SUFFICIENTLY SERIOUS, UNDER ALL THE SURROUNDING CIRCUMSTANCES, TO COMPEL A REASONABLE PERSON TO PERFORM OR CONTINUE TO PERFORM LABOR OR SERVICES OR SEXUAL ACTIVITY TO AVOID INCURRING THE HARM.

(11) "SEXUAL ACTIVITY" MEANS:

(a) SEXUAL CONTACT, AS DEFINED IN SECTION 18-3-401 (4);

(b) SEXUAL INTRUSION, AS DEFINED IN SECTION 18-3-401 (5);

(c) SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401 (6);

(d) SEXUAL EXPLOITATION OF A CHILD, PURSUANT TO SECTION 18-6-403 (3) (a) AND (3) (d); OR

(e) AN OBSCENE PERFORMANCE, AS DEFINED IN SECTION 18-7-101.

(12) "VICTIM" MEANS A PERSON WHO IS ALLEGED TO HAVE BEEN, OR WHO HAS BEEN, SUBJECTED TO HUMAN TRAFFICKING, AS DESCRIBED IN SECTION 18-3-503 OR SECTION 18-3-504.

18-3-503. Human trafficking for involuntary servitude - human trafficking of a minor for involuntary servitude. (1) A PERSON WHO KNOWINGLY SELLS, RECRUITS, HARBORS, TRANSPORTS, TRANSFERS, ISOLATES, ENTICES, PROVIDES, RECEIVES, OR OBTAINS BY ANY MEANS ANOTHER PERSON FOR THE PURPOSE OF COERCING THE OTHER PERSON TO PERFORM LABOR OR SERVICES COMMITS HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE.

(2) HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE IS A CLASS 3 FELONY; EXCEPT THAT HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE IS A CLASS 2 FELONY.

18-3-504. Human trafficking for sexual servitude - human trafficking of a minor for sexual servitude. (1) (a) A PERSON WHO KNOWINGLY SELLS, RECRUITS, HARBORS, TRANSPORTS, TRANSFERS, ISOLATES, ENTICES, PROVIDES, RECEIVES, OR OBTAINS BY ANY MEANS ANOTHER PERSON FOR THE PURPOSE OF COERCING THE PERSON TO ENGAGE IN COMMERCIAL SEXUAL ACTIVITY COMMITS HUMAN TRAFFICKING FOR SEXUAL SERVITUDE.

(b) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE IS A CLASS 3 FELONY.

(2) (a) A PERSON WHO KNOWINGLY SELLS, RECRUITS, HARBORS, TRANSPORTS, TRANSFERS, ISOLATES, ENTICES, PROVIDES, RECEIVES, OBTAINS BY ANY MEANS, MAINTAINS, OR MAKES AVAILABLE A MINOR FOR THE PURPOSE OF COMMERCIAL SEXUAL ACTIVITY COMMITS HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE.

(b) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE IS A CLASS 2 FELONY.

(c) IN ANY PROSECUTION UNDER THIS SUBSECTION (2), IT IS NOT A DEFENSE THAT:

(I) THE MINOR CONSENTED TO BEING SOLD, RECRUITED, HARBORED, TRANSPORTED, TRANSFERRED, ISOLATED, ENTICED PROVIDED, RECEIVED, OBTAINED, OR MAINTAINED BY THE DEFENDANT FOR THE PURPOSE OF ENGAGING IN COMMERCIAL SEXUAL ACTIVITY;

(II) THE MINOR CONS NTED TO PARTICIPATING IN COMMERCIAL SEXUAL ACTIVITY;

(III) THE DEFENDANT DID NOT KNOW THE MINOR'S AGE OR REASONABLY BELIEVED THE MINOR TO B EIGHTEEN YEARS OF AGE OR OLDER; OR

(IV) THE MINOR OR ANOTHER PERSON REPRESENTED THE MINOR TO BE EIGHTEEN YEARS OF AGE OR OLDER.

(3) A PERSON DOES NOT NEED TO RECEIVE ANY OF THE PROCEEDS OF ANY COMMERCIAL SEXUAL ACTIVITY TO COMMIT AN OFFENSE DESCRIBED IN THIS SECTION.

(4) CONVICTION FOR AN OFFENSE DESCRIBED IN THIS SECTION DOES NOT PRECLUDE CONVICTION FOR AN OFFENSE DESCRIBED IN ARTICLE 6 OR 7 OF THIS TITLE BASED IN WHOLE OR IN PART ON THE SAME OR RELATED CONDUCT, AND THE COURT SHALL NOT REQUIRE THE PROSECUTION TO ELECT AT TRIAL BETWEEN SUCH OFFENSES.

18-3-505. Human trafficking council - created - duties - repeal.

(1) (a) THERE IS CREATED IN THE DEPARTMENT OF PUBLIC SAFETY THE COLORADO HUMAN TRAFFICKING COUNCIL, REFERRED TO WITHIN THIS SECTION AS THE "COUNCIL". THE PURPOSE OF THE COUNCIL IS TO BRING TOGETHER LEADERSHIP FROM COMMUNITY-BASED AND STATEWIDE ANTI-TRAFFICKING EFFORTS, TO BUILD AND ENHANCE COLLABORATION AMONG COMMUNITIES AND COUNTIES WITHIN THE STATE, TO ESTABLISH AND IMPROVE COMPREHENSIVE SERVICES FOR VICTIMS AND SURVIVORS OF HUMAN TRAFFICKING, TO ASSIST IN THE SUCCESSFUL PROSECUTION OF

HUMAN TRAFFICKERS, AND TO HELP PREVENT HUMAN TRAFFICKING IN COLORADO.

(b) THE MEMBERSHIP OF THE COUNCIL SHALL REFLECT, TO THE EXTENT POSSIBLE, REPRESENTATION OF URBAN AND RURAL AREAS OF THE STATE AND A BALANCE OF EXPERTISE, BOTH GOVERNMENTAL AND NON-GOVERNMENTAL, IN ISSUES RELATING TO HUMAN TRAFFICKING. THE COUNCIL SHALL INCLUDE MEMBERS WITH EXPERTISE IN CHILD WELFARE AND HUMAN SERVICES TO ADDRESS THE UNIQUE NEEDS OF CHILD VICTIMS, INCLUDING THOSE CHILD VICTIMS WHO ARE INVOLVED IN THE CHILD WELFARE SYSTEM. THE MEMBERSHIP OF THE COUNCIL SHALL CONSIST OF THE FOLLOWING PERSONS, WHO SHALL BE APPOINTED AS FOLLOWS:

(I) TWO REPRESENTATIVES FROM THE DEPARTMENT OF HUMAN SERVICES, EACH TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

(II) A REPRESENTATIVE OF THE DEPARTMENT OF LAW, TO BE APPOINTED BY THE ATTORNEY GENERAL;

(III) A REPRESENTATIVE OF THE STATE DEPARTMENT OF LABOR AND EMPLOYMENT, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT;

(IV) A REPRESENTATIVE OF THE DIVISION OF THE COLORADO STATE PATROL THAT ADDRESSES HUMAN SMUGGLING AND HUMAN TRAFFICKING PURSUANT TO SECTION 24-33.5-211, C.R.S., TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY;

(V) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF POLICE CHIEFS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(VI) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF COUNTY SHERIFFS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(VII) A REPRESENTATIVE OF A STATEWIDE COALITION FOR VICTIMS OF SEXUAL ASSAULT, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(VIII) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT

PROVIDES SERVICES TO CRIME VICTIMS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(IX) A REPRESENTATIVE OF A STATEWIDE IMMIGRANT RIGHTS ORGANIZATION, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(X) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF DISTRICT ATTORNEYS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF CRIMINAL DEFENSE ATTORNEYS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XII) AT LEAST THREE BUT NOT MORE THAN FIVE PERSONS, EACH REPRESENTING A REGIONAL OR CITY-WIDE HUMAN TRAFFICKING TASK FORCE OR COALITION, EACH TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XIII) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT FACILITATES THE TREATMENT OR HOUSING OF HUMAN TRAFFICKING VICTIMS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XIV) A REPRESENTATIVE OF A COLLEGE OR UNIVERSITY DEPARTMENT THAT CONDUCTS RESEARCH ON HUMAN TRAFFICKING, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XV) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT PROVIDES LEGAL ADVOCACY TO ABUSED, NEGLECTED, AND AT-RISK CHILDREN, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XVI) TWO REPRESENTATIVES OF ORGANIZATIONS THAT PROVIDE DIRECT SERVICES TO VICTIMS OF HUMAN TRAFFICKING, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XVII) ONE REPRESENTATIVE OF A FAITH-BASED ORGANIZATION THAT ASSISTS VICTIMS OF HUMAN TRAFFICKING, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XVIII) TWO PERSONS, EACH OF WHOM IS A DIRECTOR OF A COUNTY

DEPARTMENT OF SOCIAL SERVICES, ONE FROM AN URBAN COUNTY AND THE OTHER FROM A RURAL COUNTY, EACH TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XIX) ONE PERSON WHO PROVIDES CHILD WELFARE SERVICES FOR A COUNTY DEPARTMENT OF SOCIAL SERVICES, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XX) TWO PERSONS WHO ARE FORMER VICTIMS OF HUMAN TRAFFICKING, ONE WHO IS A FORMER VICTIM OF HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE AND ONE WHO IS A FORMER VICTIM OF HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, EACH TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

(XXI) A REPRESENTATIVE OF A CHILD ADVOCACY CENTER; AND

(XXII) ONE PERSON TO BE APPOINTED BY THE COMMISSIONER OF AGRICULTURE.

(2) EACH APPOINTING AUTHORITY DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL MAKE HIS OR HER APPOINTMENTS TO THE COUNCIL ON OR BEFORE AUGUST 1, 2014. THE MEMBERS OF THE COUNCIL SHALL ELECT PRESIDING OFFICERS FOR THE COUNCIL, INCLUDING A CHAIR AND VICE-CHAIR, FROM AMONG THE COUNCIL MEMBERS APPOINTED PURSUANT TO SUBSECTION (1) OF THIS SECTION, WHICH PRESIDING OFFICERS SHALL SERVE TERMS OF TWO YEARS. COUNCIL MEMBERS MAY REELECT A PRESIDING OFFICER.

(3) EACH MEMBER OF THE COUNCIL SHALL SERVE AT THE PLEASURE OF HIS OR HER APPOINTING AUTHORITY FOR A TERM OF FOUR YEARS. THE APPOINTING AUTHORITY MAY REAPPOINT THE MEMBER FOR AN ADDITIONAL TERM OR TERMS. MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION.

(4) THE COUNCIL SHALL HOLD ITS FIRST MEETING ON OR BEFORE NOVEMBER 1, 2014, AT A TIME AND PLACE TO BE DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, OR BY HIS OR HER DESIGNEE. THE COUNCIL SHALL MEET AT LEAST FOUR TIMES EACH YEAR AND SHALL CARRY OUT THE FOLLOWING DUTIES:

(a) ON OR BEFORE JANUARY 1, 2016, MAKE RECOMMENDATIONS TO

THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, CONCERNING:

(I) WHETHER THE GENERAL ASSEMBLY SHOULD ESTABLISH STANDARDS AND A PROCESS FOR THE CERTIFICATION OF ORGANIZATIONS THAT PROVIDE SERVICES TO VICTIMS OF HUMAN TRAFFICKING; AND

(II) WHETHER THE GENERAL ASSEMBLY SHOULD ESTABLISH A GRANT PROGRAM TO WHICH ORGANIZATIONS THAT PROVIDE SERVICES TO VICTIMS OF HUMAN TRAFFICKING MAY APPLY FOR GRANTS, INCLUDING CONSIDERATION OF HOW SUCH A GRANT PROGRAM MAY BE FUNDED;

(b) ON OR BEFORE JANUARY 1, 2017, AND ON OR BEFORE JANUARY 17 OF EACH YEAR THEREAFTER, SUBMIT A REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, SUMMARIZING THE ACTIVITIES OF THE COUNCIL DURING THE PRECEDING YEAR.

(c) CONSIDER AND MAKE, AS IT DEEMS NECESSARY, RECOMMENDATIONS TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES, CONCERNING ANY STATUTORY CHANGES THAT THE COUNCIL DEEMS NECESSARY TO FACILITATE THE PROSECUTION AND PUNISHMENT OF PERSONS WHO ENGAGE IN, AND TO PROTECT THE VICTIMS OF, HUMAN TRAFFICKING;

(d) DEVELOP AN IMPLEMENTATION PLAN FOR A PUBLIC AWARENESS CAMPAIGN TO EDUCATE THE PUBLIC ABOUT HUMAN TRAFFICKING AND PLACE VICTIMS SERVICES CONTACT INFORMATION IN PLACES WHERE VICTIMS OF HUMAN TRAFFICKING ARE LIKELY TO SEE IT;

(e) DEVELOP TRAINING STANDARDS AND CURRICULA FOR ORGANIZATIONS THAT PROVIDE ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING, FOR PERSONS WHO WORK IN OR WHO FREQUENT PLACES WHERE HUMAN TRAFFICKING VICTIMS ARE LIKELY TO APPEAR, AND FOR LAW ENFORCEMENT AGENCIES;

(f) IDENTIFY BEST PRACTICES FOR THE PREVENTION OF HUMAN TRAFFICKING, PARTICULARLY FOR THE PREVENTION OF CHILD SEX TRAFFICKING;

(g) COLLECT DATA RELATING TO THE PREVALENCE OF, AND THE EFFORTS OF LAW ENFORCEMENT TO COMBAT, HUMAN TRAFFICKING IN COLORADO. THE COUNCIL SHALL ANNUALLY REPORT THE DATA TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES; AND

(h) RESEARCH AND PURSUE FUNDING OPPORTUNITIES FOR THE COUNCIL.

(5) THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSE OF ASSISTING THE COUNCIL IN FULFILLING ITS DUTIES PURSUANT TO THIS SECTION.

(6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2019. BEFORE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE COUNCIL PURSUANT TO SECTION 2-3-1203, C.R.S.

SECTION 2. In Colorado Revised Statutes, 18-1.3-603, add (9) as follows:

18-1.3-603. Assessment of restitution - corrective orders. (9) FOR A CONVICTION FOR HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, OR FOR HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, THE COURT SHALL ORDER RESTITUTION, IF APPROPRIATE, PURSUANT TO THIS SECTION EVEN IF THE VICTIM IS UNAVAILABLE TO ACCEPT PAYMENT OF RESTITUTION.

SECTION 3. In Colorado Revised Statutes, 2-3-1203, add (3) (ff.5) (IV) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(ff.5) September 1, 2019:

(IV) THE COLORADO HUMAN TRAFFICKING COUNCIL CREATED IN SECTION 18-3-505, C.R.S.;

SECTION 4. In Colorado Revised Statutes, 18-3-407, **amend** (2) introductory portion as follows:

18-3-407. Victim's and witness's prior history - evidentiary hearing - victim's identity - protective order. (2) In any criminal prosecution for class 4 felony internet luring of a child, as described in section 18-3-306 (3) or under sections 18-3-402 to 18-3-405.5, 18-3-504, 18-6-301, 18-6-302, 18-6-403, and 18-6-404, AND ANY OFFENSE DESCRIBED IN PART 4 OF ARTICLE 7 OF THIS TITLE, or for attempt or conspiracy to commit any of said crimes, if evidence, that is not excepted under subsection (1) of this section, of specific instances of the victim's or a witness's prior or subsequent sexual conduct, or opinion evidence of the victim's or a witness's sexual conduct, or reputation evidence of the victim's or a witness's sexual conduct, or evidence that the victim or a witness has a history of false reporting of sexual assaults is to be offered at trial, the following procedure shall be followed:

SECTION 5. In Colorado Revised Statutes, 12-25.5-112, **amend** (3) (a) as follows:

12-25.5-112. Duties of escort bureau. (3) Each escort bureau shall provide to each employee of the escort bureau a written notice that includes:

(a) A statement that human trafficking and coercion of involuntary servitude ~~are~~ IS prohibited in this state by the provisions of sections ~~18-3-501, 18-3-502, and 18-3-503~~ AND 18-3-504, C.R.S.; and

SECTION 6. In Colorado Revised Statutes, 12-48.5-110, **amend** (1) (f) as follows:

12-48.5-110. Unlawful acts. (1) It is unlawful for any person:

(f) To operate a massage parlor while failing to display at all times in a prominent place on the licensed premises a printed card with a minimum height of fourteen inches and a width of eleven inches with each letter a minimum of one-half inch in height, which shall read as follows:

WARNING

IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN

YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME, UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR HER PARENT OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.

IT IS ILLEGAL FOR ANY PERSON TO ALLOW A PERSON UNDER EIGHTEEN YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME, UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR HER PARENT OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.

PART 5 OF ARTICLE 3 OF TITLE 18, COLORADO REVISED STATUTES, PROHIBITS HUMAN TRAFFICKING ~~OF ADULTS, TRAFFICKING OF CHILDREN, AND COERCION OF INVOLUNTARY SERVITUDE~~ AND ESTABLISHES CRIMINAL PENALTIES FOR ~~THESE OFFENSES~~ OFFENDERS.

FINES OR IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS UNDER ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES.

SECTION 7. In Colorado Revised Statutes, amend 13-21-127 as follows:

13-21-127. Civil damages for human trafficking and involuntary servitude. (1) IN ADDITION TO ALL OTHER REMEDIES, a person VICTIM, AS DEFINED IN SECTION 18-3-502 (12), C.R.S., is entitled to recover damages ~~and to obtain injunctive relief from~~ PROXIMATELY CAUSED BY any person who commits ~~trafficking in adults, as described in section 18-3-501, C.R.S., trafficking in children, as described in section 18-3-502, C.R.S., or coercion of involuntary servitude, as described in section 18-3-503, C.R.S.~~ HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, C.R.S., OR HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, C.R.S.

(2) A conviction for ~~trafficking in adults, as described in section 18-3-501, C.R.S., trafficking in children, as described in section 18-3-502,~~

~~C.R.S.; or coercion of involuntary servitude, as described in section 18-3-503, C.R.S., shall~~ HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, C.R.S., OR HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, C.R.S., IS NOT BE A CONDITION PRECEDENT TO MAINTAINING A CIVIL ACTION PURSUANT TO THE PROVISIONS OF THIS SECTION.

SECTION 8. In Colorado Revised Statutes, 13-25-129.5, amend (2) (b) (IX) as follows:

13-25-129.5. Statements of persons with intellectual and developmental disabilities - hearsay exception. (2) (b) The exception described in paragraph (a) of this subsection (2) applies to an out-of-court statement made by a person with a developmental disability, which statement describes all or part of any of the following offenses:

(IX) HUMAN trafficking ~~in children~~ OF A MINOR FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, C.R.S., OR HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, as described in ~~section 18-3-502, C.R.S.~~ SECTION 18-3-504 (2), C.R.S.;

SECTION 9. In Colorado Revised Statutes, 14-10-129, amend (3) (b) (XI) as follows:

14-10-129. Modification of parenting time. (3) (b) The provisions of paragraph (a) of this subsection (3) shall apply to the following crimes:

(XI) HUMAN trafficking ~~in children~~ OF A MINOR FOR SEXUAL SERVITUDE, as ~~defined~~ DESCRIBED in ~~section 18-3-502, C.R.S.~~ SECTION 18-3-504 (2), C.R.S.;

SECTION 10. In Colorado Revised Statutes, 16-8-115, amend (4) (g) (X) as follows:

16-8-115. Release from commitment after verdict of not guilty by reason of insanity or not guilty by reason of impaired mental condition. (4) (g) As used in this subsection (4), "an offense involving unlawful sexual behavior" means any of the following offenses:

(X) HUMAN trafficking ~~in children, in violation of section 18-3-502,~~

~~C.R.S.~~ OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2), C.R.S.;

SECTION 11. In Colorado Revised Statutes, 16-11.7-102, **amend** (3) (j) as follows:

16-11.7-102. Definitions. As used in this article, unless the context otherwise requires:

(3) "Sex offense" means any felony or misdemeanor offense described in this subsection (3) as follows:

(j) ~~HUMAN trafficking in children, in violation of section 18-3-502,~~
~~C.R.S.~~ OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2), C.R.S.;

SECTION 12. In Colorado Revised Statutes, 16-13-303, **amend** (1) (a) as follows:

16-13-303. Class 1 public nuisance. (1) Every building or part of a building including the ground upon which it is situate and all fixtures and contents thereof, every vehicle, and any real property shall be deemed a class 1 public nuisance when:

(a) Used as a public or private place of prostitution or used as a place where the commission of soliciting for prostitution, as defined in section 18-7-202, C.R.S.; pandering, as defined in section 18-7-203, C.R.S.; keeping a place of prostitution, as defined in section 18-7-204, C.R.S.; pimping, as defined in section 18-7-206, C.R.S.; ~~trafficking in adults, as defined in section 18-3-501, C.R.S.; trafficking in children, as defined in section 18-3-502, C.R.S.; or coercion of involuntary servitude, as defined in section 18-3-503, C.R.S.~~ HUMAN TRAFFICKING, AS DESCRIBED IN SECTION 18-3-503 OR 18-3-504, C.R.S.; occurs;

SECTION 13. In Colorado Revised Statutes, 16-22-102, **amend** (9) (j) as follows:

16-22-102. Definitions. As used in this article, unless the context otherwise requires:

(9) "Unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(j) ~~HUMAN trafficking in children, in violation of section 18-3-502; C.R.S. OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2), C.R.S.;~~

SECTION 14. In Colorado Revised Statutes, 16-22-108, amend (2.5) (c) as follows:

16-22-108. Registration - procedure - frequency - place - change of address - fee. (2.5) (c) For purposes of this section, "child sex crime" means sexual assault on a child, as described in section 18-3-405, C.R.S.; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3, C.R.S.; unlawful sexual contact, as described in section 18-3-404 (1.5), C.R.S.; enticement of a child, as described in section 18-3-305, C.R.S.; aggravated incest, as described in section 18-6-302 (1) (b), C.R.S.; ~~HUMAN trafficking in children, as described in section 18-3-502; C.R.S. OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2), C.R.S.;~~ sexual exploitation of children, as described in section 18-6-403, C.R.S.; procurement of a child for sexual exploitation, as described in section 18-6-404, C.R.S.; soliciting for child prostitution, as described in section 18-7-402, C.R.S.; pandering of a child, as described in section 18-7-403, C.R.S.; procurement of a child, as described in section 18-7-403.5, C.R.S.; keeping a place of child prostitution, as described in section 18-7-404, C.R.S.; pimping of a child, as described in section 18-7-405, C.R.S.; inducement of child prostitution, as described in section 18-7-405.5, C.R.S.; patronizing a prostituted child, as described in section 18-7-406, C.R.S.; internet luring of a child, as described in section 18-3-306, C.R.S.; internet sexual exploitation of a child, as described in section 18-3-405.4, C.R.S.; wholesale promotion of obscenity to a minor, as described in section 18-7-102 (1.5), C.R.S.; promotion of obscenity to a minor, as described in section 18-7-102 (2.5), C.R.S.; sexual assault, as described in section 18-3-402 (1) (d) and (1) (e), C.R.S.; sexual assault in the second degree as it existed prior to July 1, 2000, as described in section 18-3-403 (1) (e) and (1) (e.5), C.R.S.; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this paragraph (c).

SECTION 15. In Colorado Revised Statutes, 18-1.3-401, amend

(10) (b) (XIV); and **add** (10) (b) (XVI) and (10) (b) (XVII) as follows:

18-1.3-401. Felonies classified - presumptive penalties. (10) (b) Crimes that present an extraordinary risk of harm to society shall include the following:

(XIV) Sale or distribution of materials to manufacture controlled substances, as described in section 18-18-412.7; and

(XVI) A CLASS 3 FELONY OFFENSE OF HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503; AND

(XVII) A CLASS 3 FELONY OFFENSE OF HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504.

SECTION 16. In Colorado Revised Statutes, 18-1.3-602, **amend** (4) (e) as follows:

18-1.3-602. Definitions. As used in this part 6, unless the context otherwise requires:

(4) (e) Notwithstanding any other provision of this section, "victim" includes a person less than eighteen years of age who has been trafficked by an offender, as described in ~~section 18-3-502, or coerced into involuntary servitude, as described in~~ section 18-3-503 OR 18-3-504.

SECTION 17. In Colorado Revised Statutes, 18-3-411, **amend** (1) as follows:

18-3-411. Sex offenses against children - "unlawful sexual offense" defined - limitation for commencing proceedings - evidence - statutory privilege. (1) As used in this section, "unlawful sexual offense" means enticement of a child, as described in section 18-3-305, sexual assault, as described in section 18-3-402, when the victim at the time of the commission of the act is a child less than fifteen years of age, sexual assault in the first degree, as described in section 18-3-402, as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the second degree, as described in section 18-3-403 (1) (a), (1) (b), (1) (c), (1) (d), (1) (g), or (1) (h), as it existed prior to July 1, 2000, when the victim at the time of the

commission of the act is a child less than fifteen years of age, or as described in section 18-3-403 (1) (e), as it existed prior to July 1, 2000, when the victim is less than fifteen years of age and the actor is at least four years older than the victim; unlawful sexual contact, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the third degree, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault on a child, as described in section 18-3-405; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; aggravated incest, as described in section 18-6-302; HUMAN trafficking in children, as described in section 18-3-502 OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2), C.R.S.; sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; indecent exposure, as described in section 18-7-302, soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-406; class 4 felony internet luring of a child, as described in section 18-3-306 (3); internet sexual exploitation of a child, as described in section 18-3-405.4; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

SECTION 18. In Colorado Revised Statutes, 18-3-412, **amend** (1) as follows:

18-3-412. Habitual sex offenders against children - indictment or information - verdict of the jury. (1) For the purpose of this section, "unlawful sexual offense" means sexual assault, as described in section 18-3-402, when the victim at the time of the commission of the act is a child less than fifteen years of age, sexual assault in the first degree, as described in section 18-3-402, as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the second degree, as described in section 18-3-403 (1) (a), (1) (b), (1) (c), (1) (d), (1) (g), or (1) (h), as it existed prior to July

1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age, or as described in section 18-3-403 (1) (e), as it existed prior to July 1, 2000, when the victim is less than fifteen years of age and the actor is at least four years older than the victim; unlawful sexual contact, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the third degree, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault on a child, as described in section 18-3-405; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; aggravated incest, as described in section 18-6-302; HUMAN trafficking in children, as described in section 18-3-502 OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2), C.R.S.; sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-406; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

SECTION 19. In Colorado Revised Statutes, 18-17-103, **amend** (5) (b) (I) as follows:

18-17-103. Definitions. As used in this article, unless the context otherwise requires:

(5) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(b) Any violation of the following provisions of the Colorado statutes or any criminal act committed in any jurisdiction of the United States which, if committed in this state, would be a crime under the following provisions of the Colorado statutes:

(I) Offenses against the person, as defined in sections 18-3-102 (first degree murder), 18-3-103 (second degree murder), 18-3-104 (manslaughter), 18-3-202 (first degree assault), 18-3-203 (second degree assault), 18-3-204 (third degree assault), 18-3-206 (menacing), 18-3-207 (criminal extortion), 18-3-301 (first degree kidnapping), 18-3-302 (second degree kidnapping), ~~18-3-501 (trafficking in adults), 18-3-502 (trafficking in children), and 18-3-503 (coercion of involuntary servitude)~~ 18-3-503 (HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE), AND 18-3-504 (HUMAN TRAFFICKING FOR SEXUAL SERVITUDE);

SECTION 20. In Colorado Revised Statutes, 18-24-101, amend (2) (g) as follows:

18-24-101. Definitions. As used in this article, unless the context otherwise requires:

(2) "Crime against a child" means any offense listed in section 18-3-411, or criminal attempt, conspiracy, or solicitation to commit any of those offenses, and any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(g) ~~Coercion of involuntary servitude~~ HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, in violation of section 18-3-503. ~~when the victim is a child:~~

SECTION 21. In Colorado Revised Statutes, 19-1-306, amend (5) (d) (I) as follows:

19-1-306. Expungement of juvenile delinquent records.
(5) (d) The court shall order expunged all records in the custody of the court and any records in the custody of any other agency or official that pertain to the petitioner's conviction for prostitution, as described in section 18-7-201, C.R.S.; soliciting for prostitution, as described in section 18-7-202, C.R.S.; keeping a place of prostitution, as described in section 18-7-204, C.R.S.; public indecency, as described in section 18-7-301, C.R.S.; soliciting for child prostitution, as described in section 18-7-402, C.R.S.; or any corresponding municipal code or ordinance if, at the hearing, the court finds that the petitioner who is the subject of the hearing has established by a preponderance of the evidence that, at the time he or she committed the offense, he or she:

(I) Had been ~~sold, exchanged, bartered, or leased~~ TRAFFICKED by another person, as described in ~~section 18-3-501 or 18-3-502, C.R.S.~~ SECTION 18-3-503 OR 18-3-504, C.R.S., for the purpose of performing the offense; or

SECTION 22. In Colorado Revised Statutes, 22-31-107, **amend** (5) (b) as follows:

22-31-107. Candidates for school director - call - qualification - nomination. (5) (b) For purposes of this subsection (5), "sexual offense against a child" means any of the offenses described in sections 18-3-305, 18-3-405, 18-3-405.3, ~~18-3-502~~ 18-3-504 (2), 18-6-301, 18-6-302, 18-6-403, 18-6-404, and 18-7-402 to 18-7-406, C.R.S., and any of the offenses described in sections 18-3-402 to 18-3-404 and 18-7-302, C.R.S., where the victim is less than eighteen years of age. "Sexual offense against a child" also means attempt, solicitation, or conspiracy to commit any of the offenses specified in this paragraph (b).

SECTION 23. In Colorado Revised Statutes, 24-4.1-302, **amend** (1) (ii) as follows:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(1) "Crime" means any of the following offenses, acts, and violations as defined by the statutes of the state of Colorado, whether committed by an adult or a juvenile:

(ii) HUMAN trafficking ~~in adults, in violation of section 18-3-501, C.R.S.; or trafficking in children, in violation of section 18-3-502, C.R.S.~~ SECTION 18-3-503 OR 18-3-504, C.R.S.;

SECTION 24. In Colorado Revised Statutes, 24-4.2-104, **amend** (1) (a) (II) (B) as follows:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses. (1) (a) (II) (B) The surcharge in sub-subparagraph (A) of this subparagraph (II) shall apply to charges brought pursuant to the following sections: 18-3-305, 18-3-402, 18-3-403, as it existed prior to July 1, 2000, 18-3-404, 18-3-405, 18-3-405.3, 18-3-405.5, ~~18-3-502~~ 18-3-503, 18-3-504,

18-6-301, 18-6-302, 18-6-403, 18-6-404, 18-7-302, 18-7-402, 18-7-405, 18-7-405.5, and 18-7-406, C.R.S., or any attempt to commit any of these crimes.

SECTION 25. In Colorado Revised Statutes, 24-72-308.7, amend (2) (a) (II) (C) as follows:

24-72-308.7. Sealing of criminal conviction records information for offenses committed by victims of human trafficking. (2) **Sealing of conviction records.** (a) (II) If a petition is filed pursuant to subparagraph (I) of this paragraph (a) for the sealing of a record of conviction for prostitution, as described in section 18-7-201, C.R.S.; soliciting for prostitution, as described in section 18-7-202, C.R.S.; keeping a place of prostitution, as described in section 18-7-204, C.R.S.; or public indecency, as described in section 18-7-301, C.R.S., the court shall order the record sealed after:

(C) The defendant establishes by a preponderance of the evidence that, at the time he or she committed the offense, he or she had been ~~sold, exchanged, bartered, or leased~~ TRAFFICKED by another person, as described in section ~~18-3-501 or 18-3-502~~ 18-3-503 OR 18-3-504, C.R.S., for the purpose of performing the offense, or he or she was coerced by another person, as described in section 18-3-503, C.R.S., to perform the offense.

SECTION 26. In Colorado Revised Statutes, 24-4.1-302, amend as amended by House Bill 14-1148 (1) (ii) as follows:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(1) "Crime" means any of the following offenses, acts, and violations as defined by the statutes of the state of Colorado, whether committed by an adult or a juvenile:

(ii) HUMAN trafficking ~~in adults, in violation of section 18-3-501, C.R.S.; or trafficking in children, in violation of section 18-3-502, C.R.S.; or coercion of involuntary servitude, in violation of section 18-3-503 OR 18-3-504, C.R.S.;~~

SECTION 27. Appropriation - adjustments to 2014 long bill.

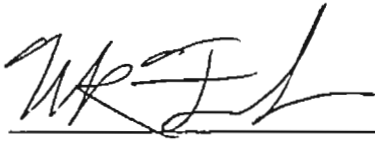
(1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$263,796.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2014, the sum of \$263,796 and 1.8 FTE, or so much thereof as may be necessary, to be allocated to the division of criminal justice for support of the Colorado human trafficking council for the implementation of this act.

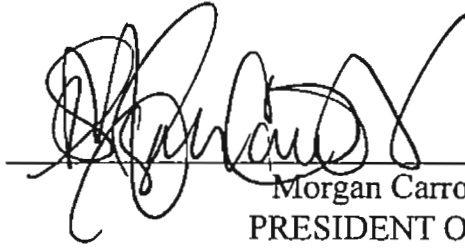
SECTION 28. Effective date - applicability. This act takes effect July 1, 2014, and applies to offenses committed on or after said date.

SECTION 29. Safety clause. The general assembly hereby finds,

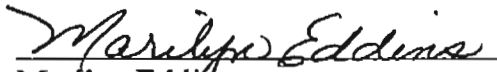
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



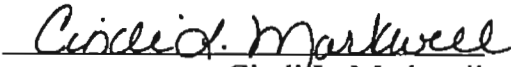
Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Morgan Carroll
PRESIDENT OF
THE SENATE

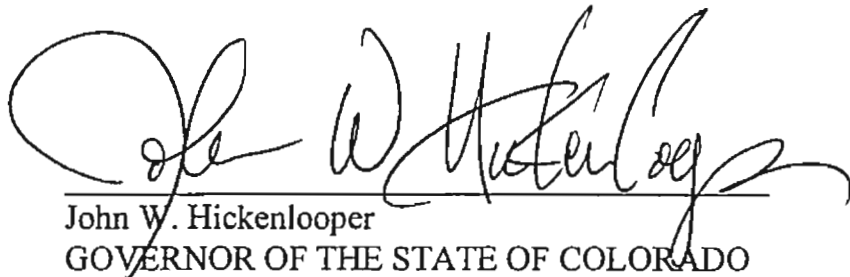


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED 12:10 PM 5/29/14



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

State of Colorado

HOUSE BILL NO. 14-1273

BY REPRESENTATIVE(S) McCann and Wright, et al;
ALSO SENATOR(S) Newell and Schwartz, Kefalas, et al.

An Act _____

_____ CONCERNING HUMAN TRAFFICKING, AND, IN

_____ CONNECTION THEREWITH, MAKING AND REDUCING

_____ APPROPRIATIONS.

STATE OF COLORADO, ss.

THIS ACT ORIGINATED IN THE HOUSE



Chief Clerk
House of Representatives

STATE OF COLORADO,)
GOVERNOR'S OFFICE) SS.

This Act was filed in my office this 29 day of May
A.D. 2014, at 12:10 o'clock P M.

By  _____

Governor

STATE OF COLORADO,)
SECRETARY'S OFFICE) SS.

This Act was filed in my office this _____ day of _____
A.D. 20_____, at _____ o'clock _____ M.

By _____

Secretary of State

Deputy Secretary