

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0298.01 Richard Sweetman

SENATE BILL 11-085

SENATE SPONSORSHIP

Shaffer B.,

HOUSE SPONSORSHIP

McCann,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE ENFORCEMENT OF PROHIBITIONS**
102 **AGAINST CERTAIN PROSTITUTION-RELATED OFFENSES, AND, IN**
103 **CONNECTION THEREWITH, AUTHORIZING THE CREATION OF A**
104 **PROGRAM FOR CERTAIN FIRST-TIME OFFENDERS OF SUCH**
105 **OFFENSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill authorizes one or more municipal courts to create and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
May 11, 2011

HOUSE
Amended 2nd Reading
May 10, 2011

SENATE
3rd Reading Unamended
March 29, 2011

SENATE
Amended 2nd Reading
March 25, 2011

administer a program for persons who are charged with prostitution-related offenses (program). The program shall permit enrollment only by a person who has agreed to a deferred sentencing arrangement and who has no prior conviction for a prostitution-related offense. Each person who enrolls in the program shall pay an administration fee, which fee the municipal court or courts shall use to pay the costs of administering the program. To the extent practicable, the program shall be available to offenders, courts, and prosecutors of other jurisdictions. The program shall be administered by the municipal court with assistance from one or more municipal prosecutor's offices, one or more district attorney's offices, one or more state or local law enforcement agencies, and one or more nonprofit corporations that have a stated mission to reduce human trafficking or prostitution.

Enrollment in the program shall be offered to each offender at the sole discretion of the prosecuting attorney in each offender's case. If the prosecuting attorney offers enrollment in the program to an offender as a condition of a plea bargain agreement, the agreement shall include the following stipulations:

- ! The offender shall enter a plea of guilty to the prostitution-related charge or charges;
- ! The court shall defer judgment and sentencing of the offender for a period not to exceed 2 years, during which time the offender shall enroll in and complete the program;
- ! Upon the offender's satisfactory completion of the program, the prostitution-related charge or charges shall be dismissed with prejudice;
- ! The offender shall waive his or her right to a speedy trial; and
- ! If the offender fails to complete the program or fails to satisfy any other condition of the plea bargain agreement, he or she shall be sentenced for the offenses to which he or she has pleaded guilty and shall be required to pay a fine in addition to any other sentence imposed by the court.

If one or more municipal courts creates and administers a program, the municipal court shall prepare and submit a report to the judiciary committees of the house of representatives and senate concerning the effectiveness of the program. The municipal court shall submit the report not less than 2 years nor more than 3 years after the creation of the program. The report shall include information concerning the cost of the program, the extent to which the cost is mitigated by the imposition of the administration fees, and the effectiveness of the program in reducing recidivism among offenders of the prostitution-related crimes.

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

1 **SECTION 1. Legislative declaration.** (1) The general assembly
2 hereby finds that:

3 (a) Human trafficking is the recruitment and transportation of
4 persons within or across national boundaries by means of force, fraud, or
5 deception for the purpose of exploiting them economically;

6 (b) As a modern-day form of slavery, the trafficking of human
7 beings is a particularly despicable crime that exacts a terrible toll upon
8 those persons who are its victims;

9 (c) The victims of human trafficking in the United States include
10 men and women but are most frequently women, young adults, teenagers,
11 and children and those persons who are present in the United States
12 without documentation; and

13 (d) Human trafficking is the fastest growing criminal industry in
14 the world, exceeded in scale only by narcotics trafficking.

15 (2) The general assembly further finds that human trafficking is
16 frequently intertwined with prostitution, as many victims of human
17 trafficking are recruited, harbored, transported, obtained, and exploited
18 for the purpose of performing commercial sex acts.

19

20 (3) Now, therefore, the general assembly hereby declares that
21 legislative action is required to address the scourge of human trafficking
22 and prostitution in the state of Colorado, which action should include:

23 (a) Authorizing one or more municipal courts to create and
24 administer a program for certain persons who are charged with certain
25 prostitution-related offenses, with the purpose of reducing recidivism; and

26 (b) Significantly increasing the fines associated with certain
27 statutory prostitution-related offenses.

1 **SECTION 2.** Article 10 of title 13, Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW SECTION to read:

3 **13-10-126. Prostitution offender program authorized -**
4 **reports.** (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, A MUNICIPAL
5 OR COUNTY COURT, OR MULTIPLE MUNICIPAL OR COUNTY COURTS, MAY
6 CREATE AND ADMINISTER A PROGRAM FOR CERTAIN PERSONS WHO ARE
7 CHARGED WITH SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION
8 18-7-202, C.R.S., ■ ■ PATRONIZING A PROSTITUTE, AS DESCRIBED IN
9 SECTION 18-7-205, C.R.S., OR ANY CORRESPONDING MUNICIPAL CODE OR
10 ORDINANCE.

11 (2) A PROGRAM CREATED AND ADMINISTERED BY A MUNICIPAL OR
12 COUNTY COURT OR MULTIPLE MUNICIPAL OR COUNTY COURTS PURSUANT
13 TO SUBSECTION (1) OF THIS SECTION SHALL:

14 (a) PERMIT ENROLLMENT IN THE PROGRAM ONLY BY AN OFFENDER
15 WHO EITHER:

16 (I) (A) HAS NO PRIOR CONVICTIONS OR ANY CHARGES PENDING FOR
17 ANY FELONY; FOR ANY OFFENSE DESCRIBED IN SECTION 18-3-305,
18 18-3-306, OR 18-13-128, C.R.S., IN PART 4 OR 5 OF ARTICLE 3 OF TITLE 18,
19 C.R.S., IN PART 3, 4, 6, 7, OR 8 OF ARTICLE 6 OF TITLE 18, C.R.S., IN
20 SECTION 18-7-201.7, 18-7-203, 18-7-205.7, OR 18-7-206, C.R.S., OR IN
21 PART ■ 3, 4, OR 5 OF ARTICLE 7 OF TITLE 18, C.R.S.; OR FOR ANY OFFENSE
22 COMMITTED IN ANOTHER STATE THAT WOULD CONSTITUTE SUCH AN
23 OFFENSE IF COMMITTED IN THIS STATE; AND

24 (B) HAS BEEN OFFERED AND HAS AGREED TO A DEFERRED
25 SENTENCING ARRANGEMENT AS DESCRIBED IN SUBSECTION (3) OF THIS
26 SECTION; OR

27 (II) (A) HAS AT LEAST ONE PRIOR CONVICTION FOR ANY OFFENSE

1 DESCRIBED IN SECTION 18-7-201, 18-7-202, 18-7-204, 18-7-205, 18-7-207,
2 OR 18-7-208, C.R.S.; OR FOR ANY OFFENSE COMMITTED IN ANOTHER STATE
3 THAT WOULD CONSTITUTE SUCH AN OFFENSE IF COMMITTED IN THIS STATE;
4 AND

5 (B) HAS BEEN SENTENCED BY A COURT TO COMPLETE THE
6 PROGRAM AS PART OF THE PENALTY IMPOSED FOR A SUBSEQUENT
7 CONVICTION FOR SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION
8 18-7-202, C.R.S., PATRONIZING A PROSTITUTE, AS DESCRIBED IN SECTION
9 18-7-205, C.R.S., OR ANY CORRESPONDING MUNICIPAL CODE OR
10 ORDINANCE.

11 (b) PERMIT THE COURT OR COURTS TO REQUIRE EACH OFFENDER
12 WHO ENROLLS IN THE PROGRAM TO PAY AN ADMINISTRATION FEE, WHICH
13 FEE THE COURT OR COURTS SHALL USE TO PAY THE COSTS OF
14 ADMINISTERING THE PROGRAM;

15 (c) TO THE EXTENT PRACTICABLE, BE AVAILABLE TO OFFENDERS,
16 COURTS, AND PROSECUTORS OF OTHER JURISDICTIONS; AND

17 (d) BE ADMINISTERED BY THE COURT OR COURTS WITH
18 ASSISTANCE FROM ONE OR MORE MUNICIPAL PROSECUTOR'S OFFICES, ONE
19 OR MORE DISTRICT ATTORNEY'S OFFICES, ONE OR MORE STATE OR LOCAL
20 LAW ENFORCEMENT AGENCIES, AND ONE OR MORE NONPROFIT
21 CORPORATIONS, AS DEFINED IN SECTION 7-121-401, C.R.S., WHICH
22 NONPROFIT CORPORATIONS HAVE A STATED MISSION TO REDUCE HUMAN
23 TRAFFICKING OR PROSTITUTION. THE COURT OR COURTS ARE ENCOURAGED
24 TO CONSULT, IN ADDITION TO THE AFOREMENTIONED ENTITIES,
25 RECOGNIZED CRIMINOLOGY EXPERTS AND MENTAL HEALTH
26 PROFESSIONALS.

27 (3) (a) ENROLLMENT IN THE PROGRAM SHALL BE OFFERED TO EACH

1 OFFENDER AT THE SOLE DISCRETION OF THE PROSECUTING ATTORNEY IN
2 EACH OFFENDER'S CASE.

3 (b) IF THE PROSECUTING ATTORNEY OFFERS ENROLLMENT IN THE
4 PROGRAM TO AN OFFENDER AS A CONDITION OF A PLEA BARGAIN
5 AGREEMENT AS DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF
6 SUBSECTION (2) OF THIS SECTION, THE AGREEMENT SHALL INCLUDE AT A
7 MINIMUM THE FOLLOWING STIPULATIONS:

8 (I) THE OFFENDER SHALL ENTER A PLEA OF GUILTY TO THE
9 PROSTITUTION-RELATED OFFENSE OR OFFENSES WITH WHICH HE OR SHE IS
10 CHARGED;

11 (II) THE COURT SHALL DEFER JUDGMENT AND SENTENCING OF THE
12 OFFENDER FOR A PERIOD NOT TO EXCEED TWO YEARS, AS DESCRIBED IN
13 SECTION 18-1.3-102 (1), C.R.S., DURING WHICH TIME THE OFFENDER SHALL
14 ENROLL IN AND COMPLETE THE PROGRAM AND MAY BE REQUIRED TO PAY
15 AN ADMINISTRATION FEE, AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION
16 (2) OF THIS SECTION;

17 (III) UPON THE OFFENDER'S SATISFACTORY COMPLETION OF THE
18 PROGRAM, THE COURT SHALL DISMISS WITH PREJUDICE THE
19 PROSTITUTION-RELATED CHARGE OR CHARGES;

20 (IV) THE OFFENDER SHALL WAIVE HIS OR HER RIGHT TO A SPEEDY
21 AND

22 (V) IF THE OFFENDER FAILS TO COMPLETE THE PROGRAM OR FAILS
23 TO SATISFY ANY OTHER CONDITION OF THE PLEA BARGAIN AGREEMENT, HE
24 OR SHE SHALL BE SENTENCED FOR THE OFFENSES TO WHICH HE OR SHE HAS
25 PLEADED GUILTY AND SHALL BE REQUIRED TO PAY A FINE OF NOT LESS
26 THAN TWO THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE
27 THOUSAND DOLLARS, OR THE MAXIMUM AMOUNT AVAILABLE TO A

1 MUNICIPAL OR COUNTY COURT, IN THE DISCRETION OF THE COURT, IN
2 ADDITION TO ANY OTHER SENTENCE IMPOSED BY THE COURT.

3 (c) IF THE PROSECUTING ATTORNEY OFFERS ENROLLMENT IN THE
4 PROGRAM TO AN OFFENDER PURSUANT TO SUBPARAGRAPH (II) OF
5 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AND THE OFFENDER
6 FAILS TO COMPLETE THE PROGRAM, THE OFFENDER SHALL BE REQUIRED TO
7 PAY A FINE OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS
8 AND NOT MORE THAN FIVE THOUSAND DOLLARS, OR THE MAXIMUM
9 AMOUNT AVAILABLE TO THE MUNICIPAL OR COUNTY COURT, IN THE
10 DISCRETION OF THE COURT, IN ADDITION TO ANY OTHER SENTENCE
11 IMPOSED BY THE COURT.

12 (4) IF A MUNICIPAL OR COUNTY COURT OR MULTIPLE MUNICIPAL OR
13 COUNTY COURTS CREATE AND ADMINISTER A PROGRAM PURSUANT TO
14 SUBSECTION (1) OF THIS SECTION, THE [REDACTED] COURT OR COURTS SHALL
15 PREPARE AND SUBMIT A REPORT TO THE JUDICIARY COMMITTEES OF THE
16 HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR
17 COMMITTEES, CONCERNING THE EFFECTIVENESS OF THE PROGRAM. THE
18 [REDACTED] COURT OR COURTS SHALL SUBMIT THE REPORT NOT LESS THAN TWO
19 YEARS NOR MORE THAN THREE YEARS AFTER THE CREATION OF THE
20 PROGRAM. THE REPORT SHALL INCLUDE INFORMATION CONCERNING:

21 (a) THE COST OF THE PROGRAM AND THE EXTENT TO WHICH THE
22 COST IS MITIGATED BY THE IMPOSITION OF THE FEES DESCRIBED IN
23 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION; AND

24 (b) THE EFFECTIVENESS OF THE PROGRAM IN REDUCING RECIDIVISM
25 AMONG PERSONS WHO COMMIT PROSTITUTION-RELATED OFFENSES.

26 **SECTION 3.** 18-7-202 (2), Colorado Revised Statutes, is
27 amended to read:

1 **18-7-202. Soliciting for prostitution.** (2) Soliciting for
2 prostitution is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF
3 SOLICITING FOR PROSTITUTION MAY BE REQUIRED TO PAY A FINE OF NOT
4 MORE THAN FIVE THOUSAND DOLLARS IN ADDITION TO ANY PENALTY
5 IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH
6 ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO
7 SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT
8 RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION
9 24-33.5-513, C.R.S.

10 **SECTION 4.** 18-7-203 (2), Colorado Revised Statutes, is
11 amended to read:

12 **18-7-203. Pandering.** (2) (a) Pandering under paragraph (a) of
13 subsection (1) of this section is a class 5 felony. A PERSON WHO IS
14 CONVICTED OF PANDERING UNDER PARAGRAPH (a) OF SUBSECTION (1) OF
15 THIS SECTION SHALL BE REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE
16 THOUSAND DOLLARS AND NOT MORE THAN TEN THOUSAND DOLLARS IN
17 ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT TO SECTION
18 18-1.3-401, WHICH ADDITIONAL FINE SHALL BE TRANSFERRED TO THE
19 STATE TREASURER, WHO SHALL TRANSFER THE SAME TO THE PROSTITUTION
20 ENFORCEMENT RESOURCES GRANT PROGRAM CASH FUND CREATED IN
21 SECTION 24-33.5-513, C.R.S.

22 (b) Pandering under paragraph (b) of subsection (1) of this section
23 is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF PANDERING
24 UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE
25 REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND
26 NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY
27 IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH

1 ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO
2 SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT
3 RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION
4 24-33.5-513, C.R.S.

5 SECTION 5. 18-7-205 (2), Colorado Revised Statutes, is
6 amended to read:

7 18-7-205. Patronizing a prostitute. (2) Patronizing a prostitute
8 is a class 1 petty offense; except that patronizing a prostitute is a class 1
9 misdemeanor. ~~if the violation is committed subsequent to two prior~~
10 ~~convictions of a violation of this section, of a violation of a comparable~~
11 ~~offense in any other state, or of a violation of a comparable municipal~~
12 ~~offense.~~ A PERSON WHO IS CONVICTED OF PATRONIZING A PROSTITUTE
13 MAY BE REQUIRED TO PAY A FINE OF NOT MORE THAN FIVE THOUSAND
14 DOLLARS IN ADDITION TO ANY PENALTY IMPOSED BY THE COURT PURSUANT
15 TO SECTION 18-1.3-401 OR 18-1.3-503, WHICH ADDITIONAL FINE SHALL BE
16 TRANSFERRED TO THE STATE TREASURER, WHO SHALL TRANSFER THE SAME
17 TO THE PROSTITUTION ENFORCEMENT RESOURCES GRANT PROGRAM CASH
18 FUND CREATED IN SECTION 24-33.5-513, C.R.S.

19 SECTION 6. 18-1.3-701 (1) (a), Colorado Revised Statutes, is
20 amended to read:

21 18-1.3-701. Judgment for costs and fines. (1) (a) Where any
22 person, association, or corporation is convicted of an offense, or any
23 juvenile is adjudicated a juvenile delinquent for the commission of an act
24 that would have been a criminal offense if committed by an adult, the
25 court shall give judgment in favor of the state of Colorado, the appropriate
26 prosecuting attorney, or the appropriate law enforcement agency and
27 against the offender or juvenile for the amount of the costs of prosecution,

1 the amount of the cost of care, and any fine imposed. No fine shall be
2 imposed for conviction of a felony except as provided in section
3 18-1.3-401 OR 18-7-203 (2) (a). Such judgments shall be enforceable in
4 the same manner as are civil judgments, and, in addition, the provisions
5 of section 16-11-101.6, C.R.S., and section 18-1.3-702 apply. A county
6 clerk and recorder may not charge a fee for the recording of a transcript
7 or satisfaction of a judgment entered pursuant to this section.

8 **SECTION 7.** Part 5 of article 33.5 of title 24, Colorado Revised
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10 **24-33.5-513. Prostitution enforcement resources grant**
11 **program - application process - cash fund - reports - rules - repeal.**

12 (1) THERE IS HEREBY CREATED IN THE DIVISION THE PROSTITUTION
13 ENFORCEMENT RESOURCES GRANT PROGRAM. UNDER THE PROGRAM, ON
14 AND AFTER JULY 1, 2013, A MUNICIPAL LAW ENFORCEMENT AGENCY MAY
15 APPLY FOR A GRANT TO FUNDEFFORTS TO COMBAT PROSTITUTION-RELATED
16 OFFENSES. THE DIVISION SHALL ADMINISTER THE PROGRAM PURSUANT TO
17 THE PROVISIONS OF THIS SECTION.

18 (2) THE DIVISION SHALL SOLICIT AND REVIEW APPLICATIONS FROM
19 MUNICIPAL LAW ENFORCEMENT AGENCIES FOR GRANTS PURSUANT TO THIS
20 SECTION. THE DEPARTMENT MAY AWARD GRANTS TO MUNICIPAL LAW
21 ENFORCEMENT AGENCIES FOR PERIODS OF ONE TO THREE YEARS.

22 (3) EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE HOW THE
23 APPLICANT MUNICIPAL LAW ENFORCEMENT AGENCY WILL USE ANY
24 AWARDED GRANT MONEYS TO COMBAT PROSTITUTION-RELATED OFFENSES.
25 EACH GRANT RECIPIENT SHALL USE ITS GRANT MONEYS TO SUPPLEMENT
26 AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED BY THE GRANT
27 RECIPIENT TO COMBAT PROSTITUTION-RELATED OFFENSES.

1 (4) THE DIVISION SHALL SELECT THOSE MUNICIPAL LAW
2 ENFORCEMENT AGENCIES THAT WILL RECEIVE GRANTS PURSUANT TO THIS
3 SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING
4 THE GRANT RECIPIENTS, THE DIVISION, AT A MINIMUM, SHALL TAKE INTO
5 ACCOUNT THE CRITERIA ESTABLISHED BY RULES PROMULGATED BY THE
6 EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (7) OF THIS SECTION.

7 (5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
8 PROSTITUTION ENFORCEMENT CASH FUND, REFERRED TO IN THIS SECTION
9 AS THE "FUND", TO BE ADMINISTERED BY THE DIVISION PURSUANT TO THIS
10 SECTION. THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE
11 FUND PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (5) AND
12 PURSUANT TO SECTIONS 18-7-202 (2), 18-7-203 (2) (a) AND (2) (b),
13 AND 18-7-205 (2), C.R.S.

14 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
15 THE DIVISION SHALL NOT BE REQUIRED TO IMPLEMENT THE PROVISIONS OF
16 THIS SECTION UNTIL SUFFICIENT MONEYS HAVE BEEN TRANSFERRED OR
17 APPROPRIATED TO THE FUND.

18 (c) (I) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND PUBLIC OR
19 PRIVATE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE
20 SOURCES TO IMPLEMENT THIS ARTICLE; EXCEPT THAT THE DIVISION SHALL
21 NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS
22 THAT ARE INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE OR ANY
23 OTHER LAW OF THE STATE. THE DIVISION SHALL TRANSFER ALL PRIVATE
24 AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS
25 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CASH
26 FUND.

27 (II) NOTHING IN THIS PARAGRAPH (c) SHALL BE INTERPRETED TO

1 REQUIRE THE DIVISION TO SOLICIT MONEYS FOR THE PURPOSES OF THIS
2 ARTICLE.

3 (d) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
4 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION FOR THE
5 DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS
6 SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF
7 THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
8 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND
9 DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY
10 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
11 THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE
12 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND;
13 EXCEPT THAT, ALL UNEXPENDED AND UNENCUMBERED MONEYS
14 REMAINING IN THE FUND AS OF JULY 1, 2018, SHALL BE TRANSFERRED TO
15 THE GENERAL FUND.

16 (e) THE DIVISION MAY EXPEND UP TO THREE PERCENT OF THE
17 MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS
18 INCURRED IN IMPLEMENTING THIS SECTION.

19 (6) ON OR BEFORE A DATE SPECIFIED BY THE EXECUTIVE DIRECTOR
20 PURSUANT TO SUBSECTION (7) OF THIS SECTION, THE DIVISION SHALL
21 SUBMIT ANNUALLY TO THE JUDICIARY COMMITTEES OF THE SENATE AND
22 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE
23 FOLLOWING INFORMATION REGARDING THE ADMINISTRATION OF THE
24 PROGRAM IN THE PRECEDING YEAR:

25 (a) THE NUMBER OF GRANT RECIPIENTS THAT RECEIVED GRANTS
26 UNDER THE PROGRAM;

27 (b) THE AMOUNT OF EACH GRANT AWARDED TO EACH GRANT

1 RECIPIENT;

2 (c) THE AVERAGE AMOUNT OF EACH GRANT AWARDED UNDER THE
3 PROGRAM;

4 (d) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED
5 OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT
6 AGENCY IN THE TWELVE-MONTH PERIOD PRECEDING THE RECEIPT OF GRANT
7 MONEYS; AND

8 (e) THE NUMBER OF ARRESTS FOR PROSTITUTION-RELATED
9 OFFENSES MADE BY THE RECIPIENT MUNICIPAL LAW ENFORCEMENT
10 AGENCY SINCE RECEIVING GRANT MONEYS.

11 (7) ON OR BEFORE APRIL 1, 2012, THE EXECUTIVE DIRECTOR SHALL
12 PROMULGATE RULES FOR THE ADMINISTRATION OF THIS SECTION,
13 INCLUDING BUT NOT LIMITED TO:

14 (a) APPLICATION PROCEDURES BY WHICH A MUNICIPAL LAW
15 ENFORCEMENT AGENCY MAY APPLY FOR A GRANT PURSUANT TO THIS
16 SECTION;

17 (b) CRITERIA FOR THE DIVISION TO APPLY IN SELECTING THE
18 MUNICIPAL LAW ENFORCEMENT AGENCIES THAT SHALL RECEIVE GRANTS
19 AND DETERMINING THE AMOUNT OF GRANT MONEYS TO BE AWARDED TO
20 EACH GRANT RECIPIENT, WHICH CRITERIA, AT A MINIMUM, SHALL REQUIRE
21 EACH GRANT RECIPIENT TO USE AWARDED GRANT MONEYS FOR THE
22 PURPOSE OF COMBATING PROSTITUTION-RELATED OFFENSES; AND

23 (c) THE DESIGNATION OF A DATE BY WHICH THE DEPARTMENT
24 SHALL ANNUALLY SUBMIT TO THE JUDICIARY COMMITTEES OF THE SENATE
25 AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE
26 INFORMATION DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

27 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018.

1 **SECTION 8.** **Act subject to petition - effective date.** This act
2 shall take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part shall not take effect
8 unless approved by the people at the general election to be held in
9 November 2012 and shall take effect on the date of the official declaration
10 of the vote thereon by the governor.