

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0298.01 Richard Sweetman

**SENATE BILL 11-085**

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**SENATE SPONSORSHIP**

**Shaffer B.,**

**HOUSE SPONSORSHIP**

**McCann,**

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**Senate Committees**  
Judiciary

**House Committees**  
Judiciary

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**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.**

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**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.*

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.

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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 include men and women but  
10 are most frequently women, young adults, teenagers, and children; and

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

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

17           (3) The general assembly further finds that although any person  
18 can become a victim of human trafficking, illegal aliens are highly  
19 vulnerable to being trafficked due to a combination of factors, including  
20 a lack of legal status and protections, limited language skills, limited  
21 employment options, poverty and immigration-related debts, and social  
22 isolation.

23           (4) Now, therefore, the general assembly hereby declares that  
24 legislative action is required to address the scourge of human trafficking  
25 and prostitution in the state of Colorado, which action should include:

26           (a) Authorizing one or more municipal courts to create and  
27 administer a program for certain persons who are charged with certain

1 prostitution-related offenses, with the purpose of reducing recidivism; and

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

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

6 **13-10-126. Prostitution offender program authorized -**  
7 **reports.** (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, A MUNICIPAL  
8 OR COUNTY COURT, OR MULTIPLE MUNICIPAL OR COUNTY COURTS, MAY  
9 CREATE AND ADMINISTER A PROGRAM FOR CERTAIN PERSONS WHO ARE  
10 CHARGED WITH SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION  
11 18-7-202, C.R.S., ■■■ PATRONIZING A PROSTITUTE, AS DESCRIBED IN  
12 SECTION 18-7-205, C.R.S., OR ANY CORRESPONDING MUNICIPAL CODE OR  
13 ORDINANCE.

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

17 (a) PERMIT ENROLLMENT IN THE PROGRAM ONLY BY AN OFFENDER  
18 WHO EITHER:

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

27 (B) HAS BEEN OFFERED AND HAS AGREED TO A DEFERRED

1 SENTENCING ARRANGEMENT AS DESCRIBED IN SUBSECTION (3) OF THIS  
2 SECTION; OR

3 (II) (A) HAS AT LEAST ONE PRIOR CONVICTION FOR ANY OFFENSE  
4 DESCRIBED IN SECTION 18-7-201, 18-7-202, 18-7-204, 18-7-205, 18-7-207,  
5 OR 18-7-208, C.R.S.; OR FOR ANY OFFENSE COMMITTED IN ANOTHER STATE  
6 THAT WOULD CONSTITUTE SUCH AN OFFENSE IF COMMITTED IN THIS STATE;  
7 AND

8 (B) HAS BEEN SENTENCED BY A COURT TO COMPLETE THE  
9 PROGRAM AS PART OF THE PENALTY IMPOSED FOR A SUBSEQUENT  
10 CONVICTION FOR SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION  
11 18-7-202, C.R.S., PATRONIZING A PROSTITUTE, AS DESCRIBED IN SECTION  
12 18-7-205, C.R.S., OR ANY CORRESPONDING MUNICIPAL CODE OR  
13 ORDINANCE.

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

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

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

1 RECOGNIZED CRIMINOLOGY EXPERTS AND MENTAL HEALTH  
2 PROFESSIONALS.

3 (3) (a) ENROLLMENT IN THE PROGRAM SHALL BE OFFERED TO EACH  
4 OFFENDER AT THE SOLE DISCRETION OF THE PROSECUTING ATTORNEY IN  
5 EACH OFFENDER'S CASE.

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

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

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

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

23 (IV) THE OFFENDER SHALL WAIVE HIS OR HER RIGHT TO A SPEEDY  
24 AND

25 (V) IF THE OFFENDER FAILS TO COMPLETE THE PROGRAM OR FAILS  
26 TO SATISFY ANY OTHER CONDITION OF THE PLEA BARGAIN AGREEMENT, HE  
27 OR SHE SHALL BE SENTENCED FOR THE OFFENSES TO WHICH HE OR SHE HAS

1 PLEADED GUILTY AND SHALL BE REQUIRED TO PAY A FINE OF NOT LESS  
2 THAN TWO THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE  
3 THOUSAND DOLLARS, OR THE MAXIMUM AMOUNT AVAILABLE TO A  
4 MUNICIPAL OR COUNTY COURT, IN THE DISCRETION OF THE COURT, IN  
5 ADDITION TO ANY OTHER SENTENCE IMPOSED BY THE COURT.

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

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

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

27 (b) THE EFFECTIVENESS OF THE PROGRAM IN REDUCING RECIDIVISM

1 AMONG PERSONS WHO COMMIT PROSTITUTION-RELATED OFFENSES.

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

4 **18-7-202. Soliciting for prostitution.** (2) Soliciting for  
5 prostitution is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF  
6 SOLICITING FOR PROSTITUTION MAY BE REQUIRED TO PAY A FINE OF NOT  
7 MORE THAN FIVE THOUSAND DOLLARS IN ADDITION TO ANY PENALTY  
8 IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH  
9 ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO  
10 SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT  
11 RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION  
12 24-33.5-513, C.R.S.

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

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

25 (b) Pandering under paragraph (b) of subsection (1) of this section  
26 is a class 3 misdemeanor. A PERSON WHO IS CONVICTED OF PANDERING  
27 UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE



1 REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS AND  
2 NOT MORE THAN TEN THOUSAND DOLLARS IN ADDITION TO ANY PENALTY  
3 IMPOSED BY THE COURT PURSUANT TO SECTION 18-1.3-501, WHICH  
4 ADDITIONAL FINE SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO  
5 SHALL TRANSFER THE SAME TO THE PROSTITUTION ENFORCEMENT  
6 RESOURCES GRANT PROGRAM CASH FUND CREATED IN SECTION  
7 24-33.5-513, C.R.S.

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

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

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

24 **18-1.3-701. Judgment for costs and fines.** (1) (a) Where any  
25 person, association, or corporation is convicted of an offense, or any  
26 juvenile is adjudicated a juvenile delinquent for the commission of an act  
27 that would have been a criminal offense if committed by an adult, the

1 court shall give judgment in favor of the state of Colorado, the appropriate  
2 prosecuting attorney, or the appropriate law enforcement agency and  
3 against the offender or juvenile for the amount of the costs of prosecution,  
4 the amount of the cost of care, and any fine imposed. No fine shall be  
5 imposed for conviction of a felony except as provided in section  
6 18-1.3-401 OR 18-7-203 (2) (a). Such judgments shall be enforceable in  
7 the same manner as are civil judgments, and, in addition, the provisions  
8 of section 16-11-101.6, C.R.S., and section 18-1.3-702 apply. A county  
9 clerk and recorder may not charge a fee for the recording of a transcript  
10 or satisfaction of a judgment entered pursuant to this section.

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

13 **24-33.5-513. Prostitution enforcement resources grant**  
14 **program - application process - cash fund - reports - rules - repeal.**

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

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

25 (3) EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE HOW THE  
26 APPLICANT MUNICIPAL LAW ENFORCEMENT AGENCY WILL USE ANY  
27 AWARDED GRANT MONEYS TO COMBAT PROSTITUTION-RELATED OFFENSES.

1 EACH GRANT RECIPIENT SHALL USE ITS GRANT MONEYS TO SUPPLEMENT  
2 AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED BY THE GRANT  
3 RECIPIENT TO COMBAT PROSTITUTION-RELATED OFFENSES.

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

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

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

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

1 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CASH  
2 FUND.

3 (II) NOTHING IN THIS PARAGRAPH (c) SHALL BE INTERPRETED TO  
4 REQUIRE THE DIVISION TO SOLICIT MONEYS FOR THE PURPOSES OF THIS  
5 ARTICLE.

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

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

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

1           (a) THE NUMBER OF GRANT RECIPIENTS THAT RECEIVED GRANTS  
2           UNDER THE PROGRAM;

3           (b) THE AMOUNT OF EACH GRANT AWARDED TO EACH GRANT  
4           RECIPIENT;

5           (c) THE AVERAGE AMOUNT OF EACH GRANT AWARDED UNDER THE  
6           PROGRAM;

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

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

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

17          (a) APPLICATION PROCEDURES BY WHICH A MUNICIPAL LAW  
18          ENFORCEMENT AGENCY MAY APPLY FOR A GRANT PURSUANT TO THIS  
19          SECTION;

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

26          (c) THE DESIGNATION OF A DATE BY WHICH THE DEPARTMENT  
27          SHALL ANNUALLY SUBMIT TO THE JUDICIARY COMMITTEES OF THE SENATE

1 AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE  
2 INFORMATION DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

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

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