

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 28, 2011  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB11-085 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, strike line 1 and substitute:

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

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

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

10           (c) The victims of human trafficking include men and women but  
11 are most frequently women, young adults, teenagers, and children; and

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

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

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

- 1 (4) Now, therefore, the general assembly hereby declares that  
2 legislative action is required to address the scourge of human trafficking  
3 and prostitution in the state of Colorado, which action should include:  
4 (a) Authorizing one or more municipal courts to create and  
5 administer a program for certain persons who are charged with certain  
6 prostitution-related offenses, with the purpose of reducing recidivism; and  
7 (b) Significantly increasing the fines associated with certain  
8 statutory prostitution-related offenses.
- 9 **SECTION 2.** Article 10 of title 13, Colorado Revised Statutes,  
10 is".
- 11 Renumber succeeding sections accordingly.
- 12 Page 3, strike line 5 and substitute "OR COUNTY COURT, OR MULTIPLE  
13 MUNICIPAL OR COUNTY COURTS, MAY CREATE AND ADMINISTER".
- 14 Page 3, line 6, strike "FOR PERSONS" and substitute "FOR CERTAIN  
15 PERSONS".
- 16 Page 3, line 7, strike "PANDERING,".
- 17 Page 3, line 8, strike "AS DESCRIBED IN SECTION 18-7-203, C.R.S.,".
- 18 Page 3, strike lines 10 and 11 and substitute "MUNICIPAL CODE OR  
19 ORDINANCE.".
- 20 Page 3, line 12, after "MUNICIPAL" insert "OR COUNTY".
- 21 Page 3, line 13, after "MUNICIPAL" insert "OR COUNTY".
- 22 Page 3, strike line 16 and substitute "WHO EITHER:".
- 23 Page 3, line 17, after "(I)" insert "(A)".
- 24 Page 3, line 20, after the second "C.R.S.," insert "IN SECTION 18-7-201.7,  
25 18-7-203, 18-7-205.7, OR 18-7-206, C.R.S.,".
- 26 Page 3, line 21, strike "2,".
- 27 Page 3, line 24, strike "(II)" and substitute "(B)".

1 Page 3, strike line 26 and substitute:

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 Page 3, line 27, strike "REQUIRE" and substitute "PERMIT THE COURT OR  
15 COURTS TO REQUIRE".

16 Page 4, line 1, strike "MUNICIPAL".

17 Page 4, line 5, strike "MUNICIPAL".

18 Page 4, line 11, strike "MUNICIPAL COURT IS" and substitute "COURT OR  
19 COURTS ARE".

20 Page 4, line 20, strike "AGREEMENT," and substitute "AGREEMENT AS  
21 DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2)  
22 OF THIS SECTION,".

23 Page 5, line 1, strike "PROGRAM;" and substitute "PROGRAM AND MAY BE  
24 REQUIRED TO PAY AN ADMINISTRATION FEE, AS DESCRIBED IN PARAGRAPH  
25 (b) OF SUBSECTION (2) OF THIS SECTION;".

26 Page 5, line 6, after "TRIAL;" add "AND".

27 Page 5, line 12, strike "DOLLARS" and substitute "DOLLARS, OR THE  
28 MAXIMUM AMOUNT AVAILABLE TO A MUNICIPAL OR COUNTY COURT, IN  
29 THE DISCRETION OF THE COURT,".

30 Page 5, after line 13 insert:

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

10 Page 5, line 14, strike "COURT OR MULTIPLE MUNICIPAL" and substitute  
11 "OR COUNTY COURT OR MULTIPLE MUNICIPAL OR COUNTY".

12 Page 5, line 16, strike "MUNICIPAL".

13 Page 5, line 19, strike "MUNICIPAL".

14 Page 6, line 6, strike "SHALL" and substitute "MAY".

15 Page 6, strike line 7 and substitute "MORE THAN FIVE THOUSAND".

16 Page 7, strike lines 11 through 17 and substitute "is a class 1 petty  
17 offense; except that patronizing a prostitute is a class 1 misdemeanor. if  
18 the violation is committed subsequent to two prior convictions of a  
19 violation of this section, of a violation of a comparable offense in any  
20 other state, or of a violation of a comparable municipal offense. A  
21 PERSON WHO IS CONVICTED OF PATRONIZING A PROSTITUTE SHALL BE  
22 REQUIRED TO PAY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS IN  
23 ADDITION TO".

24 Page 9, line 17, after "TO" insert "PARAGRAPH (c) OF THIS SUBSECTION (5)  
25 AND PURSUANT TO".

26 Page 9, after line 18 insert:

27           "(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
28 THE DIVISION SHALL NOT BE REQUIRED TO IMPLEMENT THE PROVISIONS OF  
29 THIS SECTION UNTIL SUFFICIENT MONEYS HAVE BEEN TRANSFERRED OR  
30 APPROPRIATED TO THE FUND.

31           (c) (I) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND PUBLIC OR  
32 PRIVATE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE

1 SOURCES TO IMPLEMENT THIS ARTICLE; EXCEPT THAT THE DIVISION SHALL  
2 NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO  
3 CONDITIONS THAT ARE INCONSISTENT WITH THE PROVISIONS OF THIS  
4 ARTICLE OR ANY OTHER LAW OF THE STATE. THE DIVISION SHALL  
5 TRANSFER ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS,  
6 GRANTS, AND DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT  
7 THE SAME TO THE CASH FUND.

8 (II) NOTHING IN THIS PARAGRAPH (c) SHALL BE INTERPRETED TO  
9 REQUIRE THE DIVISION TO SOLICIT MONEYS FOR THE PURPOSES OF THIS  
10 ARTICLE.".

11 Reletter succeeding paragraphs accordingly.

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