

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0439.01 Michael Dohr

HOUSE BILL 09-1123

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A BILL FOR AN ACT

101 **CONCERNING CHANGES TO CRIMES RELATED TO UNLAWFUL**
102 **TREATMENT OF PERSONS TO ALIGN WITH SIMILAR LAW**
103 **PROVISIONS, AND MAKING AN APPROPRIATION IN CONNECTION**
104 **THEREWITH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Defines an adult for purposes of trafficking in adults as a person 18 years of age or older. Defines a child for purposes of trafficking in children as a person under 18 years of age. Increases the penalty for trafficking in children from a class 3 felony to a class 2 felony. Removes

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.

the requirement that a person smuggling a human must receive money or a thing of value to commit the crime of smuggling a human.

Adds the following elements as means to commit coercion of involuntary servitude:

- ! Threats of serious harm or physical restraint against a person or another person;
- ! Using a scheme, plan, or pattern intended to cause a person to believe that, if the person does not perform the labor or services requested of him or her, that the person or another person will suffer serious harm or physical restraint; or
- ! Using abuse or threatened abuse of law or the legal process against a person or another person.

Makes a 5-year statutory appropriation.

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

2 **SECTION 1.** 18-6-402 (2) and (3), Colorado Revised Statutes,
3 are amended to read:

4 **18-6-402. Trafficking in children.** (2) As used in this section,
5 "child" means a person under ~~the age of sixteen~~ EIGHTEEN years OF AGE.

6 (3) Trafficking in children is a ~~class 3~~ CLASS 2 felony.

7 **SECTION 2.** 18-13-127 (2), Colorado Revised Statutes, is
8 amended to read:

9 **18-13-127. Trafficking in adults.** (2) As used in this section,
10 "adult" means a person ~~sixteen~~ EIGHTEEN years of age or older.

11 **SECTION 3.** 18-13-128 (1), Colorado Revised Statutes, is
12 amended to read:

13 **18-13-128. Smuggling of humans.** (1) A person commits
14 smuggling of humans if, for the purpose of assisting another person to
15 enter, remain in, or travel through the United States or the state of
16 Colorado in violation of immigration laws, he or she provides or agrees
17 to provide transportation to that person. ~~in exchange for money or any~~
18 ~~other thing of value.~~

1 **SECTION 4.** 18-13-129 (1), Colorado Revised Statutes, is
2 amended to read:

3 **18-13-129. Coercion of involuntary servitude.** (1) A person
4 commits coercion of involuntary servitude if he or she coerces another
5 person to perform labor or services by:

6 (a) Withholding or threatening to destroy documents relating to
7 a person's immigration status; ~~or~~

8 (b) Threatening to notify law enforcement officials that a person
9 is present in the United States in violation of federal immigration laws;

10 (c) THREATS OF SERIOUS HARM OR PHYSICAL RESTRAINT AGAINST
11 THAT PERSON OR ANOTHER PERSON;

12 (d) MEANS OF A SCHEME, PLAN, OR PATTERN INTENDED TO CAUSE
13 THE PERSON TO BELIEVE THAT, IF THE PERSON DOES NOT PERFORM THE
14 LABOR OR SERVICES, THAT THE PERSON OR ANOTHER PERSON WOULD
15 SUFFER SERIOUS HARM OR PHYSICAL RESTRAINT; OR

16 (e) MEANS OF ABUSE OR THREATENED ABUSE OF LAW OR THE
17 LEGAL PROCESS.

18 **SECTION 5.** Article 18 of title 17, Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW SECTION to read:

20 **17-18-105. Appropriation to comply with section 2-2-703 - HB**
21 **09-##### - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
22 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
23 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 09-____,
24 ENACTED IN 2009:

25 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
26 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
27 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,

1 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
2 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

3 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN
4 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
5 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
6 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
7 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

8 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
9 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
10 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
11 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

12 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
13 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
14 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
15 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
16 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

17 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
18 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
19 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
20 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

21 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN
22 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
23 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
24 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
25 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

26 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
2 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

3 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
4 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
5 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
6 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
7 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

8 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
9 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
10 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
11 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

12 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

13 **SECTION 6.** The introductory portion to 24-75-302 (2) and
14 24-75-302 (2) (v), (2) (w), (2) (x), and (2) (y), Colorado Revised Statutes,
15 are amended, and the said 24-75-302 (2) is further amended BY THE
16 ADDITION OF A NEW PARAGRAPH, to read:

17 **24-75-302. Capital construction fund - capital assessment fees**
18 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
19 through July 1, ~~2012~~ 2013, a sum as specified in this subsection (2) shall
20 accrue to the capital construction fund. The state treasurer and the
21 controller shall transfer such sum out of the general fund and into the
22 capital construction fund as moneys become available in the general fund
23 during the fiscal year beginning on said July 1. Transfers between funds
24 pursuant to this subsection (2) shall not be deemed to be appropriations
25 subject to the limitations of section 24-75-201.1. The amount that shall
26 accrue pursuant to this subsection (2) shall be as follows:

27 (v) On July 1, 2009, five hundred twenty-three thousand one

1 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
2 regular session of the sixty-fifth general assembly; plus five hundred
3 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
4 06-207, enacted at the second regular session of the sixty-fifth general
5 assembly; plus forty-three thousand five hundred ninety-seven dollars
6 pursuant to H.B. 06-1145, enacted at the second regular session of the
7 sixty-fifth general assembly; plus five hundred twenty-three thousand one
8 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
9 second regular session of the sixty-fifth general assembly; plus one
10 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.
11 07-096, enacted at the first regular session of the sixty-sixth general
12 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.
13 07-1326, enacted at the first regular session of the sixty-sixth general
14 assembly; plus one hundred twenty-five thousand one hundred sixty-five
15 dollars pursuant to S.B. 08-239, enacted at the second regular session of
16 the sixty-sixth general assembly; plus twelve thousand five hundred
17 seventeen dollars pursuant to H.B. 08-1194, enacted at the second regular
18 session of the sixty-sixth general assembly; PLUS _____ DOLLARS
19 PURSUANT TO H.B. 09-____, ENACTED IN 2009;

20 (w) On July 1, 2010, five hundred twenty-three thousand one
21 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
22 regular session of the sixty-fifth general assembly; plus five hundred
23 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
24 06-207, enacted at the second regular session of the sixty-fifth general
25 assembly; plus forty-three thousand five hundred ninety-seven dollars
26 pursuant to H.B. 06-1145, enacted at the second regular session of the
27 sixty-fifth general assembly; plus five hundred twenty-three thousand one

1 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
2 second regular session of the sixty-fifth general assembly; plus sixty-nine
3 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,
4 enacted at the first extraordinary session of the sixty-fifth general
5 assembly; plus seven hundred fifty thousand nine hundred ninety dollars
6 pursuant to S.B. 07-096, enacted at the first regular session of the
7 sixty-sixth general assembly; plus one hundred twelve thousand six
8 hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the
9 second regular session of the sixty-sixth general assembly; plus one
10 hundred thirty-seven thousand six hundred eighty-two dollars pursuant to
11 S.B. 08-239, enacted at the second regular session of the sixty-sixth
12 general assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____,
13 ENACTED IN 2009;

14 (x) On July 1, 2011, seven hundred fifty thousand nine hundred
15 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session
16 of the sixty-sixth general assembly; plus three hundred seventy-five
17 thousand four hundred ninety-five dollars pursuant to S.B. 08-239,
18 enacted at the second regular session of the sixty-sixth general assembly;
19 PLUS _____ DOLLARS PURSUANT TO H.B. 09-____, ENACTED IN 2009;

20 (y) On July 1, 2012, one hundred twelve thousand six hundred
21 forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular
22 session of the sixty-sixth general assembly; plus three hundred
23 seventy-five thousand four hundred ninety-five dollars pursuant to S.B.
24 08-239, enacted at the second regular session of the sixty-sixth general
25 assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____, ENACTED
26 IN 2009;

27 (z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO H.B. 09-____,

1 ENACTED IN 2009.

2 **SECTION 7. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.