

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

REREVISED

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

LLS NO. 09-0439.01 Michael Dohr

HOUSE BILL 09-1123

HOUSE SPONSORSHIP

Lambert, Kerr J., Balmer, Baumgardner, Gardner B., Gardner C., King S., Liston, Lundberg, Marostica, Massey, Priola, Roberts, Stephens, Swalm, Waller

SENATE SPONSORSHIP

Schultheis, Harvey, Brophy, Hodge, King K., Penry, Renfroe, Scheffel

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

SENATE
Am ended 3rd Reading
May 1, 2009

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO CRIMES RELATED TO UNLAWFUL**
102 **TREATMENT OF PERSONS TO ALIGN WITH SIMILAR LAW**
103 **PROVISIONS.**

SENATE
2nd Reading Unam ended
April 30, 2009

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

HOUSE
3rd Reading Unam ended
April 7, 2009

HOUSE
Am ended 2nd Reading
April 6, 2009

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.

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
12 **SECTION 3.** 18-13-129 (1), Colorado Revised Statutes, is
13 amended to read:

14 **18-13-129. Coercion of involuntary servitude.** (1) A person
15 commits coercion of involuntary servitude if he or she coerces another
16 person to perform labor or services by:

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

19 (b) Threatening to notify law enforcement officials that a person

1 is present in the United States in violation of federal immigration laws;

2 (c) THREATS OF SERIOUS HARM OR PHYSICAL RESTRAINT AGAINST
3 THAT PERSON OR ANOTHER PERSON;

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

8 (e) MEANS OF ABUSE OR THREATENED ABUSE OF LAW OR THE
9 LEGAL PROCESS.

10 == =====

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