

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

PREAMENDED

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

LLS NO. 09-0439.01 Michael Dohr

HOUSE BILL 09-1123

HOUSE SPONSORSHIP

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House Committees

Judiciary
Appropriations

Senate Committees

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 
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

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

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

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

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

11 **SECTION 4.** Article 18 of title 17, Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW SECTION to read:

13 **17-18-105. Appropriation to comply with section 2-2-703 - HB**
14 **09-##### - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
15 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
16 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 09-____,
17 ENACTED IN 2009:

18 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
19 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
20 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
21 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
22 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

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

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

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

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

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

19 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
20 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
21 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
22 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

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

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

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

6 **SECTION 5.** The introductory portion to 24-75-302 (2) and
7 24-75-302 (2) (v), (2) (w), (2) (x), and (2) (y), Colorado Revised Statutes,
8 are amended, and the said 24-75-302 (2) is further amended BY THE
9 ADDITION OF A NEW PARAGRAPH, to read:

10 **24-75-302. Capital construction fund - capital assessment fees**
11 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
12 through July 1, ~~2012~~ 2013, a sum as specified in this subsection (2) shall
13 accrue to the capital construction fund. The state treasurer and the
14 controller shall transfer such sum out of the general fund and into the
15 capital construction fund as moneys become available in the general fund
16 during the fiscal year beginning on said July 1. Transfers between funds
17 pursuant to this subsection (2) shall not be deemed to be appropriations
18 subject to the limitations of section 24-75-201.1. The amount that shall
19 accrue pursuant to this subsection (2) shall be as follows:

20 (v) On July 1, 2009, 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 one
3 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.
4 07-096, enacted at the first regular session of the sixty-sixth general
5 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.
6 07-1326, enacted at the first regular session of the sixty-sixth general
7 assembly; plus one hundred twenty-five thousand one hundred sixty-five
8 dollars pursuant to S.B. 08-239, enacted at the second regular session of
9 the sixty-sixth general assembly; plus twelve thousand five hundred
10 seventeen dollars pursuant to H.B. 08-1194, enacted at the second regular
11 session of the sixty-sixth general assembly; PLUS _____ DOLLARS
12 PURSUANT TO H.B. 09-____, ENACTED IN 2009;

13 (w) On July 1, 2010, five hundred twenty-three thousand one
14 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
15 regular session of the sixty-fifth general assembly; plus five hundred
16 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
17 06-207, enacted at the second regular session of the sixty-fifth general
18 assembly; plus forty-three thousand five hundred ninety-seven dollars
19 pursuant to H.B. 06-1145, enacted at the second regular session of the
20 sixty-fifth general assembly; plus five hundred twenty-three thousand one
21 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
22 second regular session of the sixty-fifth general assembly; plus sixty-nine
23 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,
24 enacted at the first extraordinary session of the sixty-fifth general
25 assembly; plus seven hundred fifty thousand nine hundred ninety dollars
26 pursuant to S.B. 07-096, enacted at the first regular session of the
27 sixty-sixth general assembly; plus one hundred twelve thousand six

1 hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the
2 second regular session of the sixty-sixth general assembly; plus one
3 hundred thirty-seven thousand six hundred eighty-two dollars pursuant to
4 S.B. 08-239, enacted at the second regular session of the sixty-sixth
5 general assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____,
6 ENACTED IN 2009;

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

13 (y) On July 1, 2012, one hundred twelve thousand six hundred
14 forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular
15 session of the sixty-sixth general assembly; plus three hundred
16 seventy-five thousand four hundred ninety-five dollars pursuant to S.B.
17 08-239, enacted at the second regular session of the sixty-sixth general
18 assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____, ENACTED
19 IN 2009;

20 (z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO H.B. 09-____,
21 ENACTED IN 2009.

22 **SECTION 6. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.