

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0874.01 Richard Sweetman

SENATE BILL 10-140

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SENATE SPONSORSHIP

Mitchell, Shaffer B., Carroll M., Spence

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING HUMAN TRAFFICKING.

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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 repeals and relocates, with amendments, provisions relating to trafficking in adults, trafficking in children, and coercion of involuntary servitude. The bill requires proof of the use of force, fraud, or coercion to prove the crime of trafficking in adults or trafficking in children and proof of the use of force or fraud to prove the crime of coercion of involuntary servitude. The bill adds trafficking in adults, trafficking in children, and coercion of involuntary servitude to the list of

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.



1 (b) Receives a child as a result of a transaction described in  
2 paragraph (a) of this subsection (1).

3 (2) As used in this section, "child" means a person under eighteen  
4 years of age.

5 (3) Trafficking in children is a class 2 felony.

6 **18-3-503. [Formerly 18-13-129] Coercion of involuntary**  
7 **servitude.** (1) A person commits coercion of involuntary servitude if he  
8 or she coerces another person BY MEANS OF FORCE OR FRAUD to perform  
9 labor or services by:

10 (a) Withholding or threatening to destroy documents relating to  
11 a person's immigration status;

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

14 (c) ~~Threats of~~ THREATENING serious harm or physical restraint  
15 against that person or another person;

16 (d) ~~Means of a scheme, plan, or pattern intended to cause~~  
17 CAUSING the person to believe that, if the person does not perform the  
18 labor or services, ~~that the person~~ HE OR SHE or another person would  
19 suffer serious harm or physical restraint; or

20 (e) ~~Means of abuse or threatened~~ ABUSING OR THREATENING  
21 abuse of law or the legal process.

22 (2) A person may commit coercion of involuntary servitude  
23 regardless of whether the person provides compensation to the person  
24 who is coerced.

25 (3) Coercion of involuntary servitude is a class 6 felony.

26 **SECTION 2.** 18-17-103 (5) (b) (I), Colorado Revised Statutes,  
27 is amended to read:

1           **18-17-103. Definitions.** As used in this article, unless the context  
2 otherwise requires:

3           (5) "Racketeering activity" means to commit, to attempt to  
4 commit, to conspire to commit, or to solicit, coerce, or intimidate another  
5 person to commit:

6           (b) Any violation of the following provisions of the Colorado  
7 statutes or any criminal act committed in any jurisdiction of the United  
8 States which, if committed in this state, would be a crime under the  
9 following provisions of the Colorado statutes:

10           (I) Offenses against the person, as defined in sections 18-3-102  
11 (first degree murder), 18-3-103 (second degree murder), 18-3-104  
12 (manslaughter), 18-3-202 (first degree assault), 18-3-203 (second degree  
13 assault), 18-3-204 (third degree assault), 18-3-206 (menacing), 18-3-207  
14 (criminal extortion), 18-3-301 (first degree kidnapping), ~~and~~ 18-3-302  
15 (second degree kidnapping), 18-3-501 (TRAFFICKING IN ADULTS),  
16 18-3-502 (TRAFFICKING IN CHILDREN), AND 18-3-503 (COERCION OF  
17 INVOLUNTARY SERVITUDE);

18           **SECTION 3.** 14-10-129 (3) (b) (XI), Colorado Revised Statutes,  
19 is amended to read:

20           **14-10-129. Modification of parenting time.** (3) (b) The  
21 provisions of paragraph (a) of this subsection (3) shall apply to the  
22 following crimes:

23           (XI) Trafficking in children, as defined in ~~section 18-6-402~~  
24 SECTION 18-3-502, C.R.S.;

25           **SECTION 4.** 16-8-115 (4) (g) (X), Colorado Revised Statutes, is  
26 amended to read:

27           **16-8-115. Release from commitment after verdict of not guilty**

1 **by reason of insanity or not guilty by reason of impaired mental**  
2 **condition.** (4) (g) As used in this subsection (4), "an offense involving  
3 unlawful sexual behavior" means any of the following offenses:

4 (X) Trafficking in children, in violation of ~~section 18-6-402~~  
5 SECTION 18-3-502, C.R.S.;

6 **SECTION 5.** 16-11.7-102 (3) (j), Colorado Revised Statutes, is  
7 amended to read:

8 **16-11.7-102. Definitions.** As used in this article, unless the  
9 context otherwise requires:

10 (3) "Sex offense" means any felony or misdemeanor offense  
11 described in this subsection (3) as follows:

12 (j) Trafficking in children, in violation of ~~section 18-6-402~~  
13 SECTION 18-3-502, C.R.S.;

14 **SECTION 6.** 16-22-102 (9) (j), Colorado Revised Statutes, is  
15 amended to read:

16 **16-22-102. Definitions.** As used in this article, unless the context  
17 otherwise requires:

18 (9) "Unlawful sexual behavior" means any of the following  
19 offenses or criminal attempt, conspiracy, or solicitation to commit any of  
20 the following offenses:

21 (j) Trafficking in children, in violation of ~~section 18-6-402~~  
22 SECTION 18-3-502, C.R.S.;

23 **SECTION 7.** 16-22-108 (2.5) (c), Colorado Revised Statutes, is  
24 amended to read:

25 **16-22-108. Registration - procedure - frequency - place -**  
26 **change of address - fee.** (2.5) (c) For purposes of this section, "child  
27 sex crime" means sexual assault on a child, as described in section

1 18-3-405, C.R.S.; sexual assault on a child by one in a position of trust,  
2 as described in section 18-3-405.3, C.R.S.; unlawful sexual contact, as  
3 described in section 18-3-404 (1.5), C.R.S.; enticement of a child, as  
4 described in section 18-3-305, C.R.S.; aggravated incest, as described in  
5 section 18-6-302 (1) (b), C.R.S.; trafficking in children, as described in  
6 ~~section 18-6-402~~ SECTION 18-3-502, C.R.S.; sexual exploitation of  
7 children, as described in section 18-6-403, C.R.S.; procurement of a child  
8 for sexual exploitation, as described in section 18-6-404, C.R.S.;  
9 soliciting for child prostitution, as described in section 18-7-402, C.R.S.;  
10 pandering of a child, as described in section 18-7-403, C.R.S.;  
11 procurement of a child, as described in section 18-7-403.5, C.R.S.;  
12 keeping a place of child prostitution, as described in section 18-7-404,  
13 C.R.S.; pimping of a child, as described in section 18-7-405, C.R.S.;  
14 inducement of child prostitution, as described in section 18-7-405.5,  
15 C.R.S.; patronizing a prostituted child, as described in section 18-7-406,  
16 C.R.S.; internet luring of a child, as described in section 18-3-306,  
17 C.R.S.; internet sexual exploitation of a child, as described in section  
18 18-3-405.4, C.R.S.; wholesale promotion of obscenity to a minor, as  
19 described in section 18-7-102 (1.5), C.R.S.; promotion of obscenity to a  
20 minor, as described in section 18-7-102 (2.5), C.R.S.; sexual assault, as  
21 described in section 18-3-402 (1) (d) and (1) (e), C.R.S.; sexual assault in  
22 the second degree as it existed prior to July 1, 2000, as described in  
23 section 18-3-403 (1) (e) and (1) (e.5), C.R.S.; or criminal attempt,  
24 conspiracy, or solicitation to commit any of the acts specified in this  
25 paragraph (c).

26 **SECTION 8.** 18-1.3-1004 (4) (b) (I), Colorado Revised Statutes,  
27 is amended to read:

1           **18-1.3-1004. Indeterminate sentence.** (4) (b) The provisions of  
2 this subsection (4) shall apply to any person who is convicted of or pleads  
3 guilty or nolo contendere to any of the following offenses or criminal  
4 attempt, conspiracy, or solicitation to commit any of the following  
5 offenses:

6           (I) Trafficking in children, as described in ~~section 18-6-402~~  
7 SECTION 18-3-502;

8           **SECTION 9.** 18-3-411 (1), Colorado Revised Statutes, is  
9 amended to read:

10           **18-3-411. Sex offenses against children - "unlawful sexual**  
11 **offense" defined - limitation for commencing proceedings - evidence**  
12 **- statutory privilege.** (1) As used in this section, "unlawful sexual  
13 offense" means enticement of a child, as described in section 18-3-305,  
14 sexual assault, as described in section 18-3-402, when the victim at the  
15 time of the commission of the act is a child less than fifteen years of age,  
16 sexual assault in the first degree, as described in section 18-3-402, as it  
17 existed prior to July 1, 2000, when the victim at the time of the  
18 commission of the act is a child less than fifteen years of age; sexual  
19 assault in the second degree, as described in section 18-3-403 (1) (a), (1)  
20 (b), (1) (c), (1) (d), (1) (g), or (1) (h), as it existed prior to July 1, 2000,  
21 when the victim at the time of the commission of the act is a child less  
22 than fifteen years of age, or as described in section 18-3-403 (1) (e), as it  
23 existed prior to July 1, 2000, when the victim is less than fifteen years of  
24 age and the actor is at least four years older than the victim; unlawful  
25 sexual contact, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1)  
26 (d), (1) (f), or (1) (g), when the victim at the time of the commission of  
27 the act is a child less than fifteen years of age; sexual assault in the third

1 degree, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d),  
2 (1) (f), or (1) (g), as it existed prior to July 1, 2000, when the victim at the  
3 time of the commission of the act is a child less than fifteen years of age;  
4 sexual assault on a child, as described in section 18-3-405; sexual assault  
5 on a child by one in a position of trust, as described in section 18-3-405.3;  
6 aggravated incest, as described in section 18-6-302; trafficking in  
7 children, as described in ~~section 18-6-402~~ SECTION 18-3-502; sexual  
8 exploitation of a child, as described in section 18-6-403; procurement of  
9 a child for sexual exploitation, as described in section 18-6-404; indecent  
10 exposure, as described in section 18-7-302, soliciting for child  
11 prostitution, as described in section 18-7-402; pandering of a child, as  
12 described in section 18-7-403; procurement of a child, as described in  
13 section 18-7-403.5; keeping a place of child prostitution, as described in  
14 section 18-7-404; pimping of a child, as described in section 18-7-405;  
15 inducement of child prostitution, as described in section 18-7-405.5;  
16 patronizing a prostituted child, as described in section 18-7-406; class 4  
17 felony internet luring of a child, as described in section 18-3-306 (3);  
18 internet sexual exploitation of a child, as described in section 18-3-405.4;  
19 or criminal attempt, conspiracy, or solicitation to commit any of the acts  
20 specified in this subsection (1).

21 **SECTION 10.** 18-3-412 (1), Colorado Revised Statutes, is  
22 amended to read:

23 **18-3-412. Habitual sex offenders against children - indictment**  
24 **or information - verdict of the jury.** (1) For the purpose of this section,  
25 "unlawful sexual offense" means sexual assault, as described in section  
26 18-3-402, when the victim at the time of the commission of the act is a  
27 child less than fifteen years of age, sexual assault in the first degree, as



1 described in section 18-3-402, as it existed prior to July 1, 2000, when the  
2 victim at the time of the commission of the act is a child less than fifteen  
3 years of age; sexual assault in the second degree, as described in section  
4 18-3-403 (1) (a), (1) (b), (1) (c), (1) (d), (1) (g), or (1) (h), as it existed  
5 prior to July 1, 2000, when the victim at the time of the commission of the  
6 act is a child less than fifteen years of age, or as described in section  
7 18-3-403 (1) (e), as it existed prior to July 1, 2000, when the victim is less  
8 than fifteen years of age and the actor is at least four years older than the  
9 victim; unlawful sexual contact, as described in section 18-3-404 (1) (a),  
10 (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), when the victim at the time of  
11 the commission of the act is a child less than fifteen years of age; sexual  
12 assault in the third degree, as described in section 18-3-404 (1) (a), (1)  
13 (b), (1) (c), (1) (d), (1) (f), or (1) (g), as it existed prior to July 1, 2000,  
14 when the victim at the time of the commission of the act is a child less  
15 than fifteen years of age; sexual assault on a child, as described in section  
16 18-3-405; sexual assault on a child by one in a position of trust, as  
17 described in section 18-3-405.3; aggravated incest, as described in section  
18 18-6-302; trafficking in children, as described in ~~section 18-6-402~~  
19 SECTION 18-3-502; sexual exploitation of a child, as described in section  
20 18-6-403; procurement of a child for sexual exploitation, as described in  
21 section 18-6-404; soliciting for child prostitution, as described in section  
22 18-7-402; pandering of a child, as described in section 18-7-403;  
23 procurement of a child, as described in section 18-7-403.5; keeping a  
24 place of child prostitution, as described in section 18-7-404; pimping of  
25 a child, as described in section 18-7-405; inducement of child  
26 prostitution, as described in section 18-7-405.5; patronizing a prostituted  
27 child, as described in section 18-7-406; or criminal attempt, conspiracy,

1 or solicitation to commit any of the acts specified in this subsection (1).

2 **SECTION 11.** 22-31-107 (5) (b), Colorado Revised Statutes, is  
3 amended to read:

4 **22-31-107. Candidates for school director - call - qualification**  
5 **- nomination.** (5) (b) For purposes of this subsection (5), "sexual  
6 offense against a child" means any of the offenses described in sections  
7 18-3-305, 18-3-405, 18-3-405.3, ~~18-3-305~~, 18-3-502, 18-6-301, 18-6-302,  
8 ~~18-6-402~~ to 18-6-403, 18-6-404, and 18-7-402 to 18-7-406, C.R.S., and  
9 any of the offenses described in sections 18-3-402 to 18-3-404 and  
10 18-7-302, C.R.S., where the victim is less than eighteen years of age.  
11 "Sexual offense against a child" also means attempt, solicitation, or  
12 conspiracy to commit any of the offenses specified in this paragraph (b).

13 **SECTION 12.** 24-4.2-104 (1) (a) (II) (B), Colorado Revised  
14 Statutes, is amended to read:

15 **24-4.2-104. Surcharges levied on criminal actions and traffic**  
16 **offenses.** (1) (a) (II) (B) The surcharge in sub-subparagraph (A) of this  
17 subparagraph (II) shall apply to charges brought pursuant to the following  
18 sections: 18-3-305, 18-3-402, 18-3-403, as it existed prior to July 1, 2000,  
19 18-3-404, 18-3-405, 18-3-405.3, 18-3-405.5, 18-3-502, 18-6-301,  
20 18-6-302, ~~18-6-402~~, 18-6-403, 18-6-404, 18-7-302, 18-7-402, 18-7-405,  
21 18-7-405.5, and 18-7-406, C.R.S., or any attempt to commit any of these  
22 crimes.

23 **SECTION 13. Repeal of provisions being relocated in this**  
24 **act.** 18-6-402, 18-13-127, and 18-13-129, Colorado Revised Statutes, are  
25 repealed.

26 **SECTION 14. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.