

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

PREAMENDED

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

LLS NO. 10-0874.01 Richard Sweetman

SENATE BILL 10-140

SENATE SPONSORSHIP

Mitchell, Shaffer B., Carroll M., Spence

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING HUMAN TRAFFICKING.**

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.

offenses against the person that qualify as a racketeering activity for the purposes of the "Colorado Organized Crime Control Act". The bill includes conforming amendments.

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

2 **SECTION 1.** Article 3 of title 18, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PART CONTAINING
4 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

5 PART 5

6 HUMAN TRAFFICKING AND SLAVERY

7 **18-3-501. [Formerly 18-13-127] Trafficking in adults.** (1) A
8 person commits trafficking in adults if he or she:

9 (a) Sells, exchanges, barter, or leases an adult and receives
10 any money or other consideration or thing of value for the adult as a result
11 of such transaction; or

12 (b) Receives an adult as a result of a transaction described in
13 paragraph (a) of this subsection (1).

14 (2) As used in this section, "adult" means a person eighteen years
15 of age or older.

16 (3) Trafficking in adults is a class 3 felony unless the adult or
17 adults who have been trafficked are illegally present in the United States,
18 in which case trafficking in adults is a class 2 felony.

19 **18-3-502. [Formerly 18-6-402] Trafficking in children.** (1) A
20 person commits trafficking in children if he or she:

21 (a) Sells, exchanges, barter, or leases a child and receives
22 any money or other consideration or thing of value for the child as a result
23 of such transaction; or

24 (b) Receives a child as a result of a transaction described in

1 paragraph (a) of this subsection (1).

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

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

5 **18-3-503. [Formerly 18-13-129] Coercion of involuntary**
6 **servitude.** (1) A person commits coercion of involuntary servitude if he
7 or she coerces another person ___ to perform labor or services by:

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

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

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

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

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

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

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

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

26 **18-17-103. Definitions.** As used in this article, unless the context
27 otherwise requires:

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

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

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

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

18 **14-10-129. Modification of parenting time.** (3) (b) The
19 provisions of paragraph (a) of this subsection (3) shall apply to the
20 following crimes:

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

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

25 **16-8-115. Release from commitment after verdict of not guilty**
26 **by reason of insanity or not guilty by reason of impaired mental**
27 **condition.** (4) (g) As used in this subsection (4), "an offense involving

1 unlawful sexual behavior" means any of the following offenses:

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

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

6 **16-11.7-102. Definitions.** As used in this article, unless the
7 context otherwise requires:

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

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

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

14 **16-22-102. Definitions.** As used in this article, unless the context
15 otherwise requires:

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

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

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

23 **16-22-108. Registration - procedure - frequency - place -**
24 **change of address - fee.** (2.5) (c) For purposes of this section, "child
25 sex crime" means sexual assault on a child, as described in section
26 18-3-405, C.R.S.; sexual assault on a child by one in a position of trust,
27 as described in section 18-3-405.3, C.R.S.; unlawful sexual contact, as

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

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

26 **18-1.3-1004. Indeterminate sentence.** (4) (b) The provisions of
27 this subsection (4) shall apply to any person who is convicted of or pleads

1 guilty or nolo contendere to any of the following offenses or criminal
2 attempt, conspiracy, or solicitation to commit any of the following
3 offenses:

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

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

8 **18-3-411. Sex offenses against children - "unlawful sexual
9 offense" defined - limitation for commencing proceedings - evidence**

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

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

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

21 **18-3-412. Habitual sex offenders against children - indictment**
22 **or information - verdict of the jury.** (1) For the purpose of this section,
23 "unlawful sexual offense" means sexual assault, as described in section
24 18-3-402, when the victim at the time of the commission of the act is a
25 child less than fifteen years of age, sexual assault in the first degree, as
26 described in section 18-3-402, as it existed prior to July 1, 2000, when the
27 victim at the time of the commission of the act is a child less than fifteen

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

27 **SECTION 11.** 22-31-107 (5) (b), Colorado Revised Statutes, is

1 amended to read:

2 **22-31-107. Candidates for school director - call - qualification**

3 **- nomination.** (5) (b) For purposes of this subsection (5), "sexual
4 offense against a child" means any of the offenses described in sections
5 18-3-305, 18-3-405, 18-3-405.3, ~~18-3-305~~, 18-3-502, 18-6-301, 18-6-302,
6 ~~18-6-402~~ to 18-6-403, 18-6-404, and 18-7-402 to 18-7-406, C.R.S., and
7 any of the offenses described in sections 18-3-402 to 18-3-404 and
8 18-7-302, C.R.S., where the victim is less than eighteen years of age.

9 "Sexual offense against a child" also means attempt, solicitation, or
10 conspiracy to commit any of the offenses specified in this paragraph (b).

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

13 **24-4.2-104. Surcharges levied on criminal actions and traffic**
14 **offenses.** (1) (a) (II) (B) The surcharge in sub-subparagraph (A) of this
15 subparagraph (II) shall apply to charges brought pursuant to the following
16 sections: 18-3-305, 18-3-402, 18-3-403, as it existed prior to July 1, 2000,
17 18-3-404, 18-3-405, 18-3-405.3, 18-3-405.5, 18-3-502, 18-6-301,
18 18-6-302, ~~18-6-402~~, 18-6-403, 18-6-404, 18-7-302, 18-7-402, 18-7-405,
19 18-7-405.5, and 18-7-406, C.R.S., or any attempt to commit any of these
20 crimes.

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

24 **SECTION 14. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.