

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0223.01 Richard Sweetman x4333

HOUSE BILL 12-1151

HOUSE SPONSORSHIP

McCann, Fields, Lee, Miklosi, Peniston, Schafer S., Vigil, Williams A.

SENATE SPONSORSHIP

King S.,

House Committees
Judiciary

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A BILL FOR AN ACT

101 CONCERNING THE TRAFFICKING OF HUMAN BEINGS.

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 the interagency task force on trafficking in persons.

A person who is convicted of trafficking in adults, trafficking in children, or coercion of involuntary servitude may be held by a court to be liable for actual damages caused to any persons as a result of his or her behavior.

A building or part of a building, including the ground upon which

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.

it is situated and all fixtures and contents thereof, every vehicle, and any real property that is used for the purpose of trafficking in adults, trafficking in children, or coercion of involuntary servitude shall be deemed a class 1 public nuisance and thereby subject to seizure, confiscation, and forfeiture. Current law requires an escort service to provide to each escort patron a written contract for services. The bill requires the contract to include a notice that describes statutory provisions concerning human trafficking and slavery.

Currently law states that any person who has been adjudicated for an offense involving unlawful sexual behavior is not eligible to petition for the expungement of any juvenile record. The bill creates an exception to this ineligibility for a person who demonstrates to the satisfaction of the court that at the time he or she committed the offense, he or she had been sold, exchanged, bartered, or leased by another person for the purpose of performing the offense, or was coerced by another person to perform the offense.

A person less than eighteen years of age who has been trafficked or coerced into involuntary servitude by an offender is eligible to receive restitution from the offender as part of the offender's sentence for such an offense.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 18-1.8-101.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 13-21-127 as
4 follows:

5 **13-21-127. Civil liability for human trafficking and coercion of**
6 **involuntary servitude.** A PERSON WHO IS CONVICTED OF TRAFFICKING IN
7 ADULTS, AS DESCRIBED IN SECTION 18-3-501, C.R.S.; TRAFFICKING IN
8 CHILDREN, AS DESCRIBED IN SECTION 18-3-502, C.R.S.; OR COERCION OF
9 INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, C.R.S.,
10 MAY BE HELD BY A COURT TO BE LIABLE FOR ACTUAL DAMAGES CAUSED
11 TO ANY PERSONS AS A RESULT OF THE BEHAVIOR THAT RESULTED IN THE
12 PERSON'S CONVICTION.

13 **SECTION 3.** In Colorado Revised Statutes, 16-13-303, **amend**
14 (1) (a) as follows:

1 **16-13-303. Class 1 public nuisance.** (1) Every building or part
2 of a building including the ground upon which it is situate and all fixtures
3 and contents thereof, every vehicle, and any real property shall be deemed
4 a class 1 public nuisance when:

5 (a) Used as a public or private place of prostitution or used as a
6 place where the commission of soliciting for prostitution, as defined in
7 section 18-7-202, C.R.S.; pandering, as defined in section 18-7-203,
8 C.R.S.; keeping a place of prostitution, as defined in section 18-7-204,
9 C.R.S.; ~~or~~ pimping, as defined in section 18-7-206, C.R.S.; TRAFFICKING
10 IN ADULTS, AS DEFINED IN SECTION 18-3-501, C.R.S.; TRAFFICKING IN
11 CHILDREN, AS DEFINED IN SECTION 18-3-502, C.R.S.; OR COERCION OF
12 INVOLUNTARY SERVITUDE, AS DEFINED IN SECTION 18-3-503, C.R.S.,
13 occurs;

14 **SECTION 4.** In Colorado Revised Statutes, 12-25.5-112, **amend**
15 (2) as follows:

16 **12-25.5-112. Duties of escort bureau.** (2) The escort bureau
17 shall provide to each escort patron a written contract for services. The
18 contract shall clearly state the name and address of the escort and
19 customer, the type of services to be performed, the length of time such
20 services shall be performed, the total amount of money such services will
21 cost the escort patron, and any special terms or conditions relating to the
22 services to be performed. The contract shall include a statement in clear
23 and concise language that prostitution is illegal in this state and that both
24 parties to an act of prostitution may be punished by both fine and
25 imprisonment and that no act of prostitution shall be performed in relation
26 to the services for which contracted. THE CONTRACT SHALL INCLUDE A
27 NOTICE THAT DESCRIBES THE PROVISIONS OF PART 5 OF ARTICLE 3 OF TITLE

1 18, C.R.S. Each contract shall be numbered and utilized in numerical
2 sequence by the escort bureau. The contract shall be signed by the escort
3 patron and a copy furnished to him. The escort bureau shall also retain
4 copies of all such contracts, and one copy of each such contract executed
5 in any calendar month shall be transmitted by the escort bureau to the
6 local licensing authority no later than ten days after the last day of such
7 month. The local licensing authority shall treat such contracts transmitted
8 to them as open public records.

9 **SECTION 5.** In Colorado Revised Statutes, 19-1-306, **amend** (7)
10 (d) as follows:

11 **19-1-306. Expungement of juvenile delinquent records.**

12 (7) The following persons are not eligible to petition for the
13 expungement of any juvenile record:

14 (d) Any person who has been adjudicated for an offense involving
15 unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S.;
16 EXCEPT THAT SUCH A PERSON IS ELIGIBLE TO PETITION FOR THE
17 EXPUNGEMENT OF A JUVENILE RECORD PERTAINING TO SUCH AN OFFENSE
18 IF THE PERSON DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT
19 AT THE TIME HE OR SHE COMMITTED THE OFFENSE, HE OR SHE HAD BEEN
20 SOLD, EXCHANGED, BARTERED, OR LEASED BY ANOTHER PERSON FOR THE
21 PURPOSE OF PERFORMING THE OFFENSE, AS DESCRIBED IN SECTION
22 18-3-501 OR 18-3-502, OR WAS COERCED BY ANOTHER PERSON TO
23 PERFORM THE OFFENSE, AS DESCRIBED IN SECTION 18-3-503.

24 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-602, **add** (4)
25 (e) as follows:

26 **18-1.3-602. Definitions.** As used in this part 6, unless the context
27 otherwise requires:

1 (4) (e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 SECTION, "VICTIM" INCLUDES A PERSON LESS THAN EIGHTEEN YEARS OF
3 AGE WHO HAS BEEN TRAFFICKED BY AN OFFENDER, AS DESCRIBED IN
4 SECTION 18-3-502, OR COERCED INTO INVOLUNTARY SERVITUDE, AS
5 DESCRIBED IN SECTION 18-3-503.

6 **SECTION 7. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2012 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.