

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

REREVISED

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

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

Senate Committees
Judiciary

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.

SENATE
3rd Reading Unamended
March 15, 2012

SENATE
Amended 2nd Reading
March 13, 2012

HOUSE
3rd Reading Unamended
February 22, 2012

HOUSE
Amended 2nd Reading
February 21, 2012

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.

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

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

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

13-21-127. Civil damages for human trafficking and involuntary servitude. (1) A PERSON IS ENTITLED TO RECOVER DAMAGES AND TO OBTAIN INJUNCTIVE RELIEF FROM ANY PERSON WHO COMMITS TRAFFICKING IN ADULTS, AS DESCRIBED IN SECTION 18-3-501, C.R.S.; TRAFFICKING IN CHILDREN, AS DESCRIBED IN SECTION 18-3-502, C.R.S.; OR COERCION OF INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, C.R.S.

(2) A CONVICTION FOR TRAFFICKING IN ADULTS, AS DESCRIBED IN SECTION 18-3-501, C.R.S.; TRAFFICKING IN CHILDREN, AS DESCRIBED IN SECTION 18-3-502, C.R.S.; OR COERCION OF INVOLUNTARY SERVITUDE, AS

1 DESCRIBED IN SECTION 18-3-503, C.R.S., SHALL NOT BE A CONDITION
2 PRECEDENT TO MAINTAINING A CIVIL ACTION PURSUANT TO THE
3 PROVISIONS OF THIS SECTION.

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

6 **16-13-303. Class 1 public nuisance.** (1) Every building or part
7 of a building including the ground upon which it is situate and all fixtures
8 and contents thereof, every vehicle, and any real property shall be deemed
9 a class 1 public nuisance when:

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

19 **SECTION 4.** In Colorado Revised Statutes, 12-25.5-112, **add**
20 (3) as follows:

21 **12-25.5-112. Duties of escort bureau.** (3) EACH ESCORT BUREAU
22 SHALL PROVIDE TO EACH EMPLOYEE OF THE ESCORT BUREAU A WRITTEN
23 NOTICE THAT INCLUDES:

24 (a) A STATEMENT THAT HUMAN TRAFFICKING AND COERCION OF
25 INVOLUNTARY SERVITUDE ARE PROHIBITED IN THIS STATE BY THE
26 PROVISIONS OF SECTIONS 18-3-501, 18-3-502, AND 18-3-503, C.R.S.; AND

27 (b) THE NAME, TELEPHONE NUMBER, AND INTERNET WEB SITE

1 ADDRESS OF A LOCAL, STATEWIDE, OR NATIONAL ORGANIZATION THAT
2 PROVIDES ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING AND SLAVERY.

3 **SECTION 5.** In Colorado Revised Statutes, 12-48.5-110, **amend**
4 (1) (f); and **add** (1) (g) as follows:

5 **12-48.5-110. Unlawful acts.** (1) It is unlawful for any person:

6 (f) To ~~fail~~ OPERATE A MASSAGE PARLOR WHILE FAILING to display
7 at all times in a prominent place on the licensed premises a printed card
8 with a minimum height of fourteen inches and a width of eleven inches
9 with each letter a minimum of one-half inch in height, which shall read
10 as follows:

11 **WARNING**

12 IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN
13 YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY
14 TIME, UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR HER
15 PARENT OR HAS A PHYSICIAN'S PRESCRIPTION FOR MASSAGE
16 SERVICES.

17 IT IS ILLEGAL FOR ANY PERSON TO ALLOW A PERSON
18 UNDER EIGHTEEN YEARS OF AGE TO BE IN OR UPON THESE
19 PREMISES AT ANY TIME, UNLESS HE OR SHE IS
20 ACCOMPANIED BY HIS OR HER PARENT OR HAS A
21 PHYSICIAN'S PRESCRIPTION FOR MASSAGE SERVICES.

22 PART 5 OF ARTICLE 3 OF TITLE 18, COLORADO REVISED
23 STATUTES, PROHIBITS TRAFFICKING OF ADULTS,
24 TRAFFICKING OF CHILDREN, AND COERCION OF
25 INVOLUNTARY SERVITUDE AND ESTABLISHES CRIMINAL
26 PENALTIES FOR THESE OFFENSES.

27 FINES OR IMPRISONMENT MAY BE IMPOSED BY THE

1 COURTS FOR VIOLATION OF THESE PROVISIONS UNDER
2 ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES.

3 (g) TO OPERATE A MASSAGE PARLOR WHILE FAILING TO DISPLAY AT
4 ALL TIMES IN A PROMINENT PLACE ON THE LICENSED PREMISES A PRINTED
5 CARD WITH A MINIMUM HEIGHT OF FOURTEEN INCHES AND A WIDTH OF
6 ELEVEN INCHES WITH EACH LETTER A MINIMUM OF ONE-HALF INCH IN
7 HEIGHT, WHICH PROVIDES THE NAME AND CONTACT INFORMATION OF A
8 STATE OR LOCAL ORGANIZATION THAT PROVIDES SERVICES OR OTHER
9 ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING.

10 **SECTION 6.** In Colorado Revised Statutes, 19-1-306, **add** (5) (d)
11 and (6) (a.5) as follows:

12 **19-1-306. Expungement of juvenile delinquent records.**

13 (5) (d) THE COURT SHALL ORDER EXPUNGED ALL RECORDS IN THE
14 CUSTODY OF THE COURT AND ANY RECORDS IN THE CUSTODY OF ANY
15 OTHER AGENCY OR OFFICIAL THAT PERTAIN TO THE PETITIONER'S
16 CONVICTION FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201,
17 C.R.S.; SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION
18 18-7-202, C.R.S.; KEEPING A PLACE OF PROSTITUTION, AS DESCRIBED IN
19 SECTION 18-7-204, C.R.S.; PUBLIC INDECENCY, AS DESCRIBED IN SECTION
20 18-7-301, C.R.S.; SOLICITING FOR CHILD PROSTITUTION, AS DESCRIBED IN
21 SECTION 18-7-402, C.R.S., OR ANY CORRESPONDING MUNICIPAL CODE OR
22 ORDINANCE IF, AT THE HEARING, THE COURT FINDS THAT THE PETITIONER
23 WHO IS THE SUBJECT OF THE HEARING HAS ESTABLISHED BY A
24 PREPONDERANCE OF THE EVIDENCE THAT, AT THE TIME HE OR SHE
25 COMMITTED THE OFFENSE, HE OR SHE:

26 (I) HAD BEEN SOLD, EXCHANGED, BARTERED, OR LEASED BY
27 ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-501 OR 18-3-502,

1 C.R.S., FOR THE PURPOSE OF PERFORMING THE OFFENSE; OR
2 (II) WAS COERCED BY ANOTHER PERSON, AS DESCRIBED IN
3 SECTION 18-3-503, C.R.S., TO PERFORM THE OFFENSE.

4 (6) A person is eligible to petition for an expungement order:

5 (a.5) AT ANY TIME FOR THE PURPOSES DESCRIBED IN PARAGRAPH
6 (d) OF SUBSECTION (5) OF THIS SECTION;

7 **SECTION 7.** In Colorado Revised Statutes, **add** 24-72-308.7 as
8 follows:

9 **24-72-308.7. Sealing of criminal conviction records**
10 **information for offenses committed by victims of human trafficking.**

11 (1) **Definitions.** FOR PURPOSES OF THIS SECTION, "CONVICTION RECORDS"
12 MEANS ARREST AND CRIMINAL RECORDS INFORMATION AND ANY RECORDS
13 PERTAINING TO A JUDGMENT OF CONVICTION.

14 (2) **Sealing of conviction records.** (a) (I) A DEFENDANT MAY
15 PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY
16 CONVICTION RECORDS PERTAINING TO THE DEFENDANT'S CONVICTION FOR
17 PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201, C.R.S.; SOLICITING
18 FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-202, C.R.S.; KEEPING
19 A PLACE OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-204, C.R.S.;
20 PUBLIC INDECENCY, AS DESCRIBED IN SECTION 18-7-301, C.R.S., OR ANY
21 CORRESPONDING MUNICIPAL CODE OR ORDINANCE ARE LOCATED FOR THE
22 SEALING OF THE CONVICTION RECORDS, EXCEPT FOR BASIC IDENTIFYING
23 INFORMATION.

24 (II) IF A PETITION IS FILED PURSUANT TO SUBPARAGRAPH (I) OF
25 THIS PARAGRAPH (a) FOR THE SEALING OF A RECORD OF CONVICTION FOR
26 PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201, C.R.S.; SOLICITING
27 FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-202, C.R.S.; KEEPING

1 A PLACE OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-204, C.R.S., OR
2 PUBLIC INDECENCY, AS DESCRIBED IN SECTION 18-7-301, C.R.S., THE
3 COURT SHALL ORDER THE RECORD SEALED AFTER:

4 (A) THE PETITION IS FILED;

5 (B) THE FILING FEE IS PAID; AND

6 (C) THE DEFENDANT ESTABLISHES BY A PREPONDERANCE OF THE
7 EVIDENCE THAT, AT THE TIME HE OR SHE COMMITTED THE OFFENSE, HE OR
8 SHE HAD BEEN SOLD, EXCHANGED, BARTERED, OR LEASED BY ANOTHER
9 PERSON, AS DESCRIBED IN SECTION 18-3-501 OR 18-3-502, C.R.S., FOR THE
10 PURPOSE OF PERFORMING THE OFFENSE, OR HE OR SHE WAS COERCED BY
11 ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-503, C.R.S., TO
12 PERFORM THE OFFENSE.

13 (III) AN ORDER ENTERED PURSUANT TO THIS SECTION SHALL BE
14 DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF
15 THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.
16 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS
17 PURSUANT TO THIS SECTION, THE DEFENDANT SHALL PROVIDE THE
18 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE
19 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE
20 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL
21 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU.
22 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT
23 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS
24 WERE SEALED.

25 (IV) AN ORDER SEALING CONVICTION RECORDS SHALL NOT DENY
26 ACCESS TO THE CRIMINAL RECORDS OF A DEFENDANT BY ANY COURT, LAW
27 ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING

1 ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A
2 CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL. AN ORDER SEALING
3 CONVICTION RECORDS DOES NOT VACATE A CONVICTION. A CONVICTION
4 SEALED PURSUANT TO THIS SECTION MAY BE USED BY A CRIMINAL JUSTICE
5 AGENCY, LAW ENFORCEMENT AGENCY, COURT, OR PROSECUTING
6 ATTORNEY FOR ANY LAWFUL PURPOSE RELATING TO THE INVESTIGATION
7 OR PROSECUTION OF ANY CASE, INCLUDING BUT NOT LIMITED TO ANY
8 SUBSEQUENT CASE THAT IS FILED AGAINST THE DEFENDANT, OR FOR ANY
9 OTHER LAWFUL PURPOSE WITHIN THE SCOPE OF HIS, HER, OR ITS DUTIES. IF
10 A DEFENDANT IS CONVICTED OF A NEW CRIMINAL OFFENSE AFTER AN
11 ORDER SEALING CONVICTION RECORDS IS ENTERED, THE COURT SHALL
12 ORDER THE CONVICTION RECORDS TO BE UNSEALED. A PARTY OR AGENCY
13 REQUIRED BY LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK IS
14 AUTHORIZED TO USE ANY SEALED CONVICTION FOR THE LAWFUL PURPOSE
15 FOR WHICH THE CRIMINAL HISTORY RECORD CHECK IS REQUIRED BY LAW.

16 (V) A DEFENDANT MAY PETITION THE COURT FOR THE SEALING OF
17 CONVICTION RECORDS PURSUANT TO THIS SECTION ONLY ONCE DURING
18 ANY TWELVE-MONTH PERIOD. THE COURT SHALL DISMISS A SECOND OR
19 SUBSEQUENT PETITION FILED WITHIN ANY TWELVE-MONTH PERIOD.

20 (b) A PETITION TO SEAL CONVICTION RECORDS PURSUANT TO THIS
21 SECTION SHALL INCLUDE A LISTING OF EACH CUSTODIAN OF THE RECORDS
22 TO WHOM THE SEALING ORDER IS DIRECTED AND ANY INFORMATION THAT
23 ACCURATELY AND COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.

24 (c) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (IV) OF
25 PARAGRAPH (a) OF THIS SUBSECTION (2), UPON THE ENTRY OF AN ORDER
26 TO SEAL THE CONVICTION RECORDS, THE DEFENDANT AND ALL CRIMINAL
27 JUSTICE AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE

1 MATTER, THAT PUBLIC CONVICTION RECORDS DO NOT EXIST WITH RESPECT
2 TO THE DEFENDANT.

3 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (IV) OF
4 PARAGRAPH (a) OF THIS SUBSECTION (2), INSPECTION OF THE RECORDS
5 INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER
6 BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT.

7 (e) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (IV)
8 OF PARAGRAPH (a) OF THIS SUBSECTION (2), EMPLOYERS, STATE AND
9 LOCAL GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES
10 SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY,
11 REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN
12 SEALED CONVICTION RECORDS. AN APPLICANT NEED NOT, IN ANSWER TO
13 ANY QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN
14 SEALED, INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE
15 SEALED CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS
16 NOT BEEN CRIMINALLY CONVICTED.

17 (II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e)
18 DO NOT PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD
19 OF LAW EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF
20 A CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE
21 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE
22 BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND
23 ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT DOES
24 NOT HAVE A RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER
25 REFUSAL TO ANSWER A QUESTION CONCERNING SEALED CONVICTION
26 RECORDS THAT HAVE COME TO THE ATTENTION OF THE BAR COMMITTEE
27 THROUGH OTHER MEANS.

1 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)
2 OF THIS PARAGRAPH (e), THE DEPARTMENT OF EDUCATION MAY REQUIRE
3 A LICENSED EDUCATOR OR AN APPLICANT FOR AN EDUCATOR'S LICENSE
4 WHO FILES A PETITION TO SEAL A CRIMINAL RECORD TO NOTIFY THE
5 DEPARTMENT OF EDUCATION OF THE PENDING PETITION TO SEAL. THE
6 DEPARTMENT HAS THE RIGHT TO INQUIRE INTO THE FACTS OF THE
7 CRIMINAL OFFENSE FOR WHICH THE PETITION TO SEAL IS PENDING. THE
8 EDUCATOR OR APPLICANT HAS NO RIGHT TO PRIVACY OR PRIVILEGE THAT
9 JUSTIFIES HIS OR HER REFUSAL TO ANSWER ANY QUESTIONS CONCERNING
10 THE ARREST AND CRIMINAL RECORDS INFORMATION CONTAINED IN THE
11 PENDING PETITION TO SEAL.

12 (IV) ANY MEMBER OF THE PUBLIC MAY PETITION THE COURT TO
13 UNSEAL ANY FILE THAT HAS BEEN PREVIOUSLY SEALED UPON A SHOWING
14 THAT CIRCUMSTANCES HAVE COME INTO EXISTENCE SINCE THE ORIGINAL
15 SEALING, AND, AS A RESULT, THE PUBLIC INTEREST IN DISCLOSURE NOW
16 OUTWEIGHS THE DEFENDANT'S INTEREST IN PRIVACY.

17 (f) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST
18 ON ITS WEB SITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS
19 THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT
20 GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY
21 DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS
22 FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS
23 AND INFORMATION PERTINENT THERETO SHALL BE REMOVED FROM THE
24 WEB SITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

25 (g) NOTHING IN THIS SECTION AUTHORIZES THE PHYSICAL
26 DESTRUCTION OF ANY CONVICTION RECORDS.

27 (h) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE

1 CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING
2 FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE
3 THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED
4 PURSUANT TO THE PROVISIONS OF THIS SECTION ONLY IF THE RECORDS OF
5 EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY
6 BE SEALED PURSUANT TO THE PROVISIONS OF THIS SECTION.

7 (3) **Rules of discovery - rules of evidence - witness testimony.**
8 COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO
9 THIS SECTION DO NOT LIMIT THE OPERATIONS OF:

10 (a) THE COLORADO RULES OF CIVIL PROCEDURE RELATED TO
11 DISCOVERY OR THE COLORADO RULES OF EVIDENCE PROMULGATED BY
12 THE SUPREME COURT OF COLORADO OR ANY OTHER STATE OR FEDERAL
13 COURT; OR

14 (b) THE PROVISIONS OF SECTION 13-90-101, C.R.S., CONCERNING
15 WITNESS TESTIMONY.

16 **SECTION 8.** In Colorado Revised Statutes, 18-1.3-602, **add** (4)
17 (e) as follows:

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

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

25 **SECTION 9. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2012 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.