

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

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Date

March 11, 2014

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB14-1273 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, strike line 9 and substitute:
- 2       "(2) "COERCING" MEANS INDUCING A PERSON TO ACT OR TO
- 3 REFRAIN FROM ACTING, IF THE INDUCEMENT IS ACCOMPLISHED BY ANY
- 4 ONE OR MORE OF THE FOLLOWING MEANS:".
  
- 5 Page 4, strike lines 13 and 14 and substitute:
- 6       "(b) THE USE OF A PLAN, PATTERN, OR STATEMENT FOR THE
- 7 PURPOSE OF CAUSING THE PERSON TO BELIEVE THAT FAILURE TO PERFORM
- 8 THE ACT OR FAILURE TO REFRAIN FROM PERFORMING THE ACT WILL".
  
- 9 Page 4, strike line 18 and substitute:
- 10       "(c) USING OR THREATENING TO USE THE LAW OR THE LEGAL".
  
- 11 Page 4, line 20, strike "DESIGNED" and substitute "DESIGNED;".
  
- 12 Page 4, strike lines 21 and 22.
  
- 13 Page 5, line 5, strike "USE" and substitute "EXPLOITATION".
  
- 14 Page 5, strike lines 11 through 19 and substitute:
- 15       "(4) "DEBT BONDAGE" MEANS:
- 16       (a) DEMANDING COMMERCIAL SEXUAL ACTIVITY AS PAYMENT
- 17 TOWARD OR SATISFACTION OF A REAL OR PURPORTED DEBT; OR
- 18       (b) DEMANDING LABOR OR SERVICES AS PAYMENT TOWARD OR
- 19 SATISFACTION OF A REAL OR PURPORTED DEBT AND FAILING TO APPLY THE
- 20 REASONABLE VALUE OF THE LABOR OR SERVICES TOWARD THE
- 21 LIQUIDATION OF THE DEBT; OR

1 (c) DEMANDING LABOR OR SERVICES WHERE THE LENGTH OF THE  
2 LABOR OR SERVICES IS NOT LIMITED AND THE NATURE OF THE LABOR OR  
3 SERVICES IS NOT DEFINED."

4 Page 5, line 24, strike "AND" and substitute "OR".

5 Page 6, strike lines 20 through 24 and substitute:

6 "(12) "VICTIM" MEANS A PERSON WHO IS ALLEGED TO HAVE BEEN,  
7 OR WHO HAS BEEN, SUBJECTED TO HUMAN TRAFFICKING, AS DESCRIBED IN  
8 SECTION 18-3-503 OR SECTION 18-3-504."

9 Page 6, line 25, strike "**servitude.**" and substitute "**servitude - human**  
10 **trafficking of a minor for involuntary servitude.**".

11 Page 6, line 27, strike "INDUCES,".

12 Page 7, strike lines 4 through 21 and substitute:

13 "(2) HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE IS A  
14 CLASS 3 FELONY; EXCEPT THAT HUMAN TRAFFICKING OF A MINOR FOR  
15 INVOLUNTARY SERVITUDE IS A CLASS 2 FELONY.

16 **18-3-504. Human trafficking for sexual servitude - human**  
17 **trafficking of a minor for sexual servitude.** (1) (a) A PERSON WHO  
18 KNOWINGLY SELLS, RECRUITS, HARBORS, TRANSPORTS, TRANSFERS,  
19 ISOLATES, ENTICES, PROVIDES, RECEIVES, OR OBTAINS BY ANY MEANS  
20 ANOTHER PERSON FOR THE PURPOSE OF COERCING THE PERSON TO ENGAGE  
21 IN COMMERCIAL SEXUAL ACTIVITY COMMITS HUMAN TRAFFICKING FOR  
22 SEXUAL SERVITUDE.

23 (b) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE IS A CLASS 3  
24 FELONY.

25 (2) (a) A PERSON WHO KNOWINGLY SELLS, RECRUITS, HARBORS,  
26 TRANSPORTS, TRANSFERS, ISOLATES, ENTICES, PROVIDES, RECEIVES,  
27 OBTAINS BY ANY MEANS, MAINTAINS, OR MAKES AVAILABLE A MINOR FOR  
28 THE PURPOSE OF COMMERCIAL SEXUAL ACTIVITY COMMITS HUMAN  
29 TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE."

30 Page 7, line 27, strike "INDUCED,".

31 Page 8, strike lines 4 through 7 and substitute:

32 "SEXUAL ACTIVITY;

33 (III) THE DEFENDANT DID NOT KNOW THE MINOR'S AGE OR  
34 REASONABLY BELIEVED THE MINOR TO BE EIGHTEEN YEARS OF AGE OR  
35 OLDER; OR

- 1 (IV) THE MINOR OR ANOTHER PERSON REPRESENTED".
- 2 Page 8, line 10, strike "THE" and substitute "AN".
- 3 Page 8, strike lines 12 through 15 and substitute:  
4 "(4) CONVICTION FOR AN OFFENSE DESCRIBED IN THIS SECTION  
5 DOES NOT PRECLUDE CONVICTION FOR AN OFFENSE DESCRIBED IN ARTICLE  
6 6 OR 7 OF THIS TITLE BASED IN WHOLE OR IN PART ON THE SAME OR  
7 RELATED CONDUCT, AND THE COURT SHALL NOT REQUIRE THE  
8 PROSECUTION TO ELECT AT TRIAL BETWEEN SUCH OFFENSES."
- 9 Page 8, line 16, strike "**duties.**" and substitute "**duties - repeal.**".
- 10 Page 9, line 8, strike "TWENTY-SIX".
- 11 Page 9, line 10, strike "A REPRESENTATIVE" and substitute "TWO  
12 REPRESENTATIVES".
- 13 Page 9, line 11, after "SERVICES,", insert "EACH".
- 14 Page 10, strike lines 10 through 12.
- 15 Renumber succeeding subparagraphs accordingly.
- 16 Page 10, line 19, strike "THREE" and substitute "AT LEAST THREE BUT NOT  
17 MORE THAN FIVE".
- 18 Page 11, line 16, strike "AND".
- 19 Page 11, line 18, after "TRAFFICKING,", insert "ONE WHO IS A FORMER  
20 VICTIM OF HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE AND ONE  
21 WHO IS A FORMER VICTIM OF HUMAN TRAFFICKING FOR SEXUAL  
22 SERVITUDE,".
- 23 Page 11, strike line 19 and substitute:  
24 "DESIGNEE; AND  
25 (XXI) A REPRESENTATIVE OF A CHILD ADVOCACY CENTER."
- 26 Page 12, line 12, strike "JUDICIAL" and substitute "JUDICIARY".

- 1 Page 12, after line 20 insert:  
2 "(b) ON OR BEFORE JANUARY 1, 2017, AND ON OR BEFORE  
3 JANUARY 17 OF EACH YEAR THEREAFTER, SUBMIT A REPORT TO THE  
4 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE,  
5 OR ANY SUCCESSOR COMMITTEES, SUMMARIZING THE ACTIVITIES OF THE  
6 COUNCIL DURING THE PRECEDING YEAR."
- 7 Reletter succeeding paragraphs accordingly.
- 8 Page 12, line 22, strike "JUDICIAL" and substitute "JUDICIARY".
- 9 Page 13, line 12, strike "AND".
- 10 Page 13, line 17, strike "COMMITTEES." and substitute "COMMITTEES;  
11 AND".
- 12 Page 13, after line 17 insert:  
13 "(h) RESEARCH AND PURSUE FUNDING OPPORTUNITIES FOR THE  
14 COUNCIL.  
15 (5) THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO  
16 ACCEPT GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSE OF ASSISTING  
17 THE COUNCIL IN FULFILLING ITS DUTIES PURSUANT TO THIS SECTION.  
18 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2019.  
19 BEFORE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL  
20 REVIEW THE COUNCIL PURSUANT TO SECTION 2-3-1203, C.R.S."
- 21 Page 13, strike lines 26 and 27 and substitute "ACCEPT PAYMENT OF  
22 RESTITUTION."
- 23 Page 14, strike lines 1 through 3 and substitute:  
24 "**SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add** (3)  
25 (ff.5) (III) as follows:  
26 **2-3-1203. Sunset review of advisory committees.** (3) The  
27 following dates are the dates for which the statutory authorization for the  
28 designated advisory committees is scheduled for repeal:  
29 (ff.5) September 1, 2019:  
30 (III) THE COLORADO HUMAN TRAFFICKING COUNCIL CREATED IN  
31 SECTION 18-3-505, C.R.S.;"
- 32 Renumber succeeding sections accordingly.
- 33 Page 14, strike lines 19 through 27.

1 Renumber succeeding sections accordingly.

2 Page 16, strike lines 16 through 27 and substitute:

3 **"involuntary servitude.** (1) IN ADDITION TO ALL OTHER REMEDIES, a  
4 ~~person~~ VICTIM, AS DEFINED IN SECTION 18-3-502 (12), C.R.S., is entitled  
5 to recover damages ~~and to obtain injunctive relief from~~ PROXIMATELY  
6 CAUSED BY any person who commits ~~trafficking in adults, as described in~~  
7 ~~section 18-3-501, C.R.S.; trafficking in children, as described in section~~  
8 ~~18-3-502, C.R.S.; or coercion of involuntary servitude, as described in~~  
9 ~~section 18-3-503, C.R.S.~~ HUMAN TRAFFICKING FOR INVOLUNTARY  
10 SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, C.R.S., OR HUMAN  
11 TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION  
12 18-3-504, C.R.S.

13 (2) A conviction for ~~trafficking in adults, as described in section~~  
14 ~~18-3-501, C.R.S.; trafficking in children, as described in section~~  
15 ~~18-3-502, C.R.S.; or coercion of involuntary servitude, as described in~~  
16 ~~section 18-3-503, C.R.S., shall~~ HUMAN TRAFFICKING FOR INVOLUNTARY  
17 SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, C.R.S., OR HUMAN  
18 TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION  
19 18-3-504, C.R.S., IS not be a condition precedent to maintaining a civil  
20 action pursuant to the provisions of this section."

21 Page 24, strike line 13 and substitute "(2) (g) as follows:".

22 Page 24, strike lines 20 through 26 and substitute:

23 "(g) ~~Coercion of involuntary servitude~~ HUMAN TRAFFICKING OF A  
24 MINOR FOR INVOLUNTARY SERVITUDE, in violation of section 18-3-503.  
25 ~~when the victim is a child."~~

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