

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0134.01 Richard Sweetman x4333

HOUSE BILL 14-1273

HOUSE SPONSORSHIP

McCann and Wright,

SENATE SPONSORSHIP

Newell and Schwartz, Kefalas

House Committees

Judiciary
Appropriations

Senate 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 reenacts, with amendments, existing provisions concerning human trafficking.

A person who knowingly sells, recruits, harbors, transports, transfers, isolates, induces, entices, provides, receives, or obtains by any means another person for the purpose of coercing the other person to perform labor or services commits human trafficking for involuntary servitude. Human trafficking of an adult for involuntary servitude is a

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.

class 3 felony. Human trafficking of a minor for involuntary servitude is a class 2 felony.

A person who knowingly sells, recruits, harbors, transports, transfers, isolates, induces, entices, provides, receives, or obtains by any means a person for the purpose of coercing the person to engage in commercial sexual activity commits human trafficking for sexual servitude. Human trafficking of an adult for sexual servitude is a class 3 felony. Human trafficking of a minor for sexual servitude is a class 2 felony.

In any prosecution for human trafficking of a minor for sexual servitude, it is not a defense that:

- ! The minor consented to being sold, recruited, harbored, transported, transferred, isolated, induced, enticed, provided, received, obtained, or maintained by the defendant for the purpose of engaging in commercial sexual activity;
- ! The minor consented to participating in commercial sexual activity; or
- ! The defendant did not know the minor's age or reasonably believed the minor to be 18 years of age or older, or that the minor or another person represented the minor to be 18 years of age or older.

Human trafficking of a minor for sexual servitude is a "sex offense against a child" for the purposes of the statute of limitations. This means that there is no limit to the period of time within which criminal proceedings may be initiated against an offender.

The bill creates the Colorado human trafficking council (council) within the department of public safety (department). The bill establishes the membership of the council and sets forth the duties of the council.

In any criminal prosecution for a human trafficking offense or for any offense relating to child prostitution, evidence of specific instances of the victim's or a witness's prior or subsequent sexual conduct, or opinion evidence of the victim's or a witness's sexual conduct, or reputation evidence of the victim's or a witness's sexual conduct, or evidence that the victim or a witness has a history of false reporting of sexual assaults is to be offered at trial, may only be admitted under specific circumstances.

For a conviction for human trafficking for involuntary servitude or for human trafficking for sexual servitude, the court shall order restitution, if appropriate, even if the victim is unavailable to accept payment of restitution. If the victim is deceased or unavailable for 5 years after the date of the restitution order, the defendant shall pay the ordered restitution to the prostitution enforcement cash fund.

The bill makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** part 5 of article 3 of title 18 as follows:

4 PART 5

5 HUMAN TRAFFICKING AND SLAVERY

6 **18-3-501. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 HEREBY FINDS AND DECLARES THAT:

8 (a) HUMAN TRAFFICKING CONSTITUTES A SERIOUS PROBLEM IN
9 COLORADO AND ACROSS THE NATION;

10 (b) HUMAN TRAFFICKING IS ABHORRENT TO A CIVILIZED SOCIETY
11 AND DESERVING OF THE MOST DILIGENT RESPONSE FROM THE STATE;

12 (c) HUMAN TRAFFICKING OFTEN INVOLVES MINORS WHO HAVE
13 BEEN FORCED INTO INVOLUNTARY SERVITUDE AND COMMERCIAL SEXUAL
14 ACTIVITY;

15 (d) HUMAN TRAFFICKING CAN TAKE MANY FORMS BUT GENERALLY
16 INCLUDES THE USE OF PHYSICAL ABUSE, THREATS OF HARM, OR FEAR OF
17 OTHER CONSEQUENCES TO PREVENT VICTIMS FROM REPORTING THE
18 ACTIVITY; AND

19 (e) HUMAN TRAFFICKING CREATES A CYCLE OF VIOLENCE,
20 IMPACTING VICTIMS, FAMILIES, AND COMMUNITIES.

21 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

22 (a) LEGISLATION IS REQUIRED TO COMBAT THIS DESPICABLE
23 PRACTICE, TO MAKE IT EASIER TO PROSECUTE AND PUNISH PERSONS WHO
24 ENGAGE IN HUMAN TRAFFICKING, AND TO PROTECT THE VICTIMS; AND

25 (b) THE GENERAL ASSEMBLY SUPPORTS A COMPREHENSIVE
26 APPROACH TO COMBATING HUMAN TRAFFICKING, WHICH APPROACH

1 INCLUDES PREVENTION, PROTECTION, PROSECUTION, AND PARTNERSHIPS.

2 (3) NOW, THEREFORE, THE GENERAL ASSEMBLY JOINS THE
3 FEDERAL GOVERNMENT AND OTHER STATES AROUND THE NATION IN
4 PASSING LEGISLATION IN ORDER TO COMBAT HUMAN TRAFFICKING AND
5 PROTECT THE VICTIMS.

6 **18-3-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER.

9 (2) "COERCION" MEANS:

10 (a) THE USE OR THREAT OF THE USE OF FORCE AGAINST,
11 ABDUCTION OF, CAUSING OF SERIOUS HARM TO, OR PHYSICAL RESTRAINT
12 OF A PERSON;

13 (b) THE USE OF A PLAN, PATTERN, OR STATEMENT WITH INTENT TO
14 CAUSE A PERSON TO BELIEVE THAT FAILURE TO PERFORM AN ACT WILL
15 RESULT IN THE USE OF FORCE AGAINST, ABDUCTION OF, CAUSING OF
16 SERIOUS HARM TO, OR PHYSICAL RESTRAINT OF THAT PERSON OR ANOTHER
17 PERSON;

18 (c) ABUSING OR THREATENING ABUSE OF LAW OR THE LEGAL
19 PROCESS, WHETHER ADMINISTRATIVE, CIVIL, OR CRIMINAL, IN ANY
20 MANNER OR FOR ANY PURPOSE FOR WHICH THE LAW WAS NOT DESIGNED
21 IN ORDER TO COMPEL ANOTHER PERSON TO PERFORM LABOR OR SERVICES
22 OR TO ENGAGE IN COMMERCIAL SEXUAL ACTIVITY;

23 (d) THREATENING TO NOTIFY LAW ENFORCEMENT OFFICIALS THAT
24 A PERSON IS PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL
25 IMMIGRATION LAWS;

26 (e) THE DESTRUCTION OR TAKING, OR A THREAT TO DESTROY OR
27 TAKE, A PERSON'S IDENTIFICATION DOCUMENT OR OTHER PROPERTY;

1 (f) CONTROLLING OR THREATENING TO CONTROL A PERSON'S
2 ACCESS TO A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102
3 (5);

4 (g) THE USE OF DEBT BONDAGE; OR

5 (h) THE USE OF A PERSON'S PHYSICAL OR MENTAL IMPAIRMENT,
6 WHERE SUCH IMPAIRMENT HAS A SUBSTANTIAL ADVERSE EFFECT ON THE
7 PERSON'S COGNITIVE OR VOLITIONAL FUNCTIONS.

8 (3) "COMMERCIAL SEXUAL ACTIVITY" MEANS SEXUAL ACTIVITY
9 FOR WHICH ANYTHING OF VALUE IS GIVEN TO, PROMISED TO, OR RECEIVED
10 BY A PERSON.

11 (4) "DEBT BONDAGE" MEANS INDUCING A PERSON TO PROVIDE:

12 (a) COMMERCIAL SEXUAL ACTIVITY IN PAYMENT TOWARD OR
13 SATISFACTION OF A REAL OR PURPORTED DEBT; OR

14 (b) LABOR OR SERVICES IN PAYMENT TOWARD OR SATISFACTION
15 OF A REAL OR PURPORTED DEBT IF:

16 (I) THE REASONABLE VALUE OF THE LABOR OR SERVICES IS NOT
17 APPLIED TOWARD THE LIQUIDATION OF THE DEBT; OR

18 (II) THE LENGTH OF THE LABOR OR SERVICES IS NOT LIMITED AND
19 THE NATURE OF THE LABOR OR SERVICES IS NOT DEFINED.

20 (5) "IDENTIFICATION DOCUMENT" MEANS A REAL OR PURPORTED
21 PASSPORT, DRIVER'S LICENSE, IMMIGRATION DOCUMENT, TRAVEL
22 DOCUMENT, OR OTHER GOVERNMENT-ISSUED IDENTIFICATION DOCUMENT,
23 INCLUDING A DOCUMENT ISSUED BY A FOREIGN GOVERNMENT.

24 (6) "MAINTAIN" MEANS TO PROVIDE SUSTENANCE AND CARE FOR
25 A MINOR AND INCLUDES BUT IS NOT LIMITED TO PROVIDING SHELTER,
26 FOOD, CLOTHING, DRUGS, MEDICAL CARE, OR COMMUNICATION SERVICES.

27 (7) "MAKES AVAILABLE" MEANS TO FACILITATE CONTACT

1 BETWEEN A MINOR AND ANOTHER PERSON.

2 (8) "MINOR" MEANS A PERSON LESS THAN EIGHTEEN YEARS OF
3 AGE.

4 (9) "PERSON" HAS THE SAME MEANING AS SET FORTH IN SECTION
5 2-4-401 (8), C.R.S.

6 (10) "SERIOUS HARM" MEANS BODILY INJURY OR ANY OTHER
7 HARM, WHETHER PHYSICAL OR NONPHYSICAL, INCLUDING
8 PSYCHOLOGICAL, FINANCIAL, OR REPUTATIONAL HARM, WHICH IS
9 SUFFICIENTLY SERIOUS, UNDER ALL THE SURROUNDING CIRCUMSTANCES,
10 TO COMPEL A REASONABLE PERSON TO PERFORM OR CONTINUE TO
11 PERFORM LABOR OR SERVICES OR SEXUAL ACTIVITY TO AVOID INCURRING
12 THE HARM.

13 (11) "SEXUAL ACTIVITY" MEANS:

14 (a) SEXUAL CONTACT, AS DEFINED IN SECTION 18-3-401 (4);

15 (b) SEXUAL INTRUSION, AS DEFINED IN SECTION 18-3-401 (5);

16 (c) SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401 (6);

17 (d) SEXUAL EXPLOITATION OF A CHILD, PURSUANT TO SECTION
18 18-6-403 (3) (a) AND (3) (d); OR

19 (e) AN OBSCENE PERFORMANCE, AS DEFINED IN SECTION 18-7-101.

20 (12) "VICTIM" MEANS A PERSON WHO IS SUBJECTED TO HUMAN
21 TRAFFICKING OR TO CONDUCT THAT WOULD HAVE CONSTITUTED HUMAN
22 TRAFFICKING IF THIS PART 5 HAD BEEN IN EFFECT WHEN THE CONDUCT
23 OCCURRED, REGARDLESS OF WHETHER A PERPETRATOR IS IDENTIFIED,
24 APPREHENDED, PROSECUTED, OR CONVICTED.

25 **18-3-503. Human trafficking for involuntary servitude.** (1) A
26 PERSON WHO KNOWINGLY SELLS, RECRUITS, HARBORS, TRANSPORTS,
27 TRANSFERS, ISOLATES, INDUCES, ENTICES, PROVIDES, RECEIVES, OR

1 OBTAINS BY ANY MEANS ANOTHER PERSON FOR THE PURPOSE OF COERCING
2 THE OTHER PERSON TO PERFORM LABOR OR SERVICES COMMITS HUMAN
3 TRAFFICKING FOR INVOLUNTARY SERVITUDE.

4 (2) HUMAN TRAFFICKING OF AN ADULT FOR INVOLUNTARY
5 SERVITUDE IS A CLASS 3 FELONY.

6 (3) HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY
7 SERVITUDE IS A CLASS 2 FELONY.

8 **18-3-504. Human trafficking for sexual servitude.** (1) (a) A
9 PERSON WHO KNOWINGLY SELLS, RECRUITS, HARBORS, TRANSPORTS,
10 TRANSFERS, ISOLATES, INDUCES, ENTICES, PROVIDES, RECEIVES, OR
11 OBTAINS BY ANY MEANS AN ADULT FOR THE PURPOSE OF COERCING THE
12 ADULT TO ENGAGE IN COMMERCIAL SEXUAL ACTIVITY COMMITS HUMAN
13 TRAFFICKING OF AN ADULT FOR SEXUAL SERVITUDE.

14 (b) HUMAN TRAFFICKING OF AN ADULT FOR SEXUAL SERVITUDE IS
15 A CLASS 3 FELONY.

16 (2) (a) A PERSON WHO KNOWINGLY SELLS, RECRUITS, HARBORS,
17 TRANSPORTS, TRANSFERS, ISOLATES, INDUCES, ENTICES, PROVIDES,
18 RECEIVES, OBTAINS BY ANY MEANS, MAINTAINS, OR MAKES AVAILABLE A
19 MINOR FOR THE PURPOSE OF COERCING THE MINOR TO ENGAGE IN
20 COMMERCIAL SEXUAL ACTIVITY COMMITS HUMAN TRAFFICKING OF AN
21 MINOR FOR SEXUAL SERVITUDE.

22 (b) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE IS
23 A CLASS 2 FELONY.

24 (c) IN ANY PROSECUTION UNDER THIS SUBSECTION (2), IT IS NOT A
25 DEFENSE THAT:

26 (I) THE MINOR CONSENTED TO BEING SOLD, RECRUITED,
27 HARBORED, TRANSPORTED, TRANSFERRED, ISOLATED, INDUCED, ENTICED,

1 PROVIDED, RECEIVED, OBTAINED, OR MAINTAINED BY THE DEFENDANT FOR
2 THE PURPOSE OF ENGAGING IN COMMERCIAL SEXUAL ACTIVITY;

3 (II) THE MINOR CONSENTED TO PARTICIPATING IN COMMERCIAL
4 SEXUAL ACTIVITY; OR

5 (III) THE DEFENDANT DID NOT KNOW THE MINOR'S AGE OR THAT
6 HE OR SHE REASONABLY BELIEVED THE MINOR TO BE EIGHTEEN YEARS OF
7 AGE OR OLDER, OR THAT THE MINOR OR ANOTHER PERSON REPRESENTED
8 THE MINOR TO BE EIGHTEEN YEARS OF AGE OR OLDER.

9 (3) A PERSON DOES NOT NEED TO RECEIVE ANY OF THE PROCEEDS
10 OF ANY COMMERCIAL SEXUAL ACTIVITY TO COMMIT THE OFFENSE
11 DESCRIBED IN THIS SECTION.

12 (4) THE PROSECUTION OF A PERSON FOR THE OFFENSE DESCRIBED
13 IN THIS SECTION DOES NOT PRECLUDE THE PROSECUTION OF THAT PERSON
14 FOR A VIOLATION OF ANY OFFENSE DESCRIBED IN ARTICLE 6 OR 7 OF THIS
15 TITLE.

16 **18-3-505. Human trafficking council - created - duties.**

17 (1) (a) THERE IS CREATED IN THE DEPARTMENT OF PUBLIC SAFETY THE
18 COLORADO HUMAN TRAFFICKING COUNCIL, REFERRED TO WITHIN THIS
19 SECTION AS THE "COUNCIL". THE PURPOSE OF THE COUNCIL IS TO BRING
20 TOGETHER LEADERSHIP FROM COMMUNITY-BASED AND STATEWIDE
21 ANTI-TRAFFICKING EFFORTS, TO BUILD AND ENHANCE COLLABORATION
22 AMONG COMMUNITIES AND COUNTIES WITHIN THE STATE, TO ESTABLISH
23 AND IMPROVE COMPREHENSIVE SERVICES FOR VICTIMS AND SURVIVORS OF
24 HUMAN TRAFFICKING, TO ASSIST IN THE SUCCESSFUL PROSECUTION OF
25 HUMAN TRAFFICKERS, AND TO HELP PREVENT HUMAN TRAFFICKING IN
26 COLORADO.

27 (b) THE MEMBERSHIP OF THE COUNCIL SHALL REFLECT, TO THE

1 EXTENT POSSIBLE, REPRESENTATION OF URBAN AND RURAL AREAS OF THE
2 STATE AND A BALANCE OF EXPERTISE, BOTH GOVERNMENTAL AND
3 NON-GOVERNMENTAL, IN ISSUES RELATING TO HUMAN TRAFFICKING. THE
4 COUNCIL SHALL INCLUDE MEMBERS WITH EXPERTISE IN CHILD WELFARE
5 AND HUMAN SERVICES TO ADDRESS THE UNIQUE NEEDS OF CHILD VICTIMS,
6 INCLUDING THOSE CHILD VICTIMS WHO ARE INVOLVED IN THE CHILD
7 WELFARE SYSTEM. THE MEMBERSHIP OF THE COUNCIL SHALL CONSIST OF
8 THE FOLLOWING TWENTY-SIX PERSONS, WHO SHALL BE APPOINTED AS
9 FOLLOWS:

10 (I) A REPRESENTATIVE FROM THE DEPARTMENT OF HUMAN
11 SERVICES, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT OF HUMAN SERVICES;

13 (II) A REPRESENTATIVE OF THE DEPARTMENT OF LAW, TO BE
14 APPOINTED BY THE ATTORNEY GENERAL;

15 (III) A REPRESENTATIVE OF THE STATE DEPARTMENT OF LABOR
16 AND EMPLOYMENT, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
17 DEPARTMENT OF LABOR AND EMPLOYMENT;

18 (IV) A REPRESENTATIVE OF THE DIVISION OF THE COLORADO
19 STATE PATROL THAT ADDRESSES HUMAN SMUGGLING AND HUMAN
20 TRAFFICKING PURSUANT TO SECTION 24-33.5-211, C.R.S., TO BE
21 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
22 SAFETY;

23 (V) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF POLICE
24 CHIEFS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

25 (VI) A REPRESENTATIVE OF A STATEWIDE ASSOCIATION OF
26 COUNTY SHERIFFS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER
27 DESIGNEE;

1 (VII) A REPRESENTATIVE OF A STATEWIDE COALITION FOR VICTIMS
2 OF SEXUAL ASSAULT, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER
3 DESIGNEE;

4 (VIII) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
5 PROVIDES SERVICES TO CRIME VICTIMS, TO BE APPOINTED BY THE
6 GOVERNOR OR HIS OR HER DESIGNEE;

7 (IX) A REPRESENTATIVE OF A STATEWIDE IMMIGRANT RIGHTS
8 ORGANIZATION, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER
9 DESIGNEE;

10 (X) A REPRESENTATIVE OF THE DIVISION OF YOUTH CORRECTIONS
11 CREATED IN SECTION 19-2-203, C.R.S., TO BE APPOINTED BY THE
12 DIRECTOR OF THE DIVISION OF YOUTH CORRECTIONS;

13 (XI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
14 DISTRICT ATTORNEYS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER
15 DESIGNEE;

16 (XII) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
17 CRIMINAL DEFENSE ATTORNEYS, TO BE APPOINTED BY THE GOVERNOR OR
18 HIS OR HER DESIGNEE;

19 (XIII) THREE PERSONS, EACH REPRESENTING A REGIONAL OR
20 CITY-WIDE HUMAN TRAFFICKING TASK FORCE OR COALITION, EACH TO BE
21 APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

22 (XIV) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT
23 FACILITATES THE TREATMENT OR HOUSING OF HUMAN TRAFFICKING
24 VICTIMS, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

25 (XV) A REPRESENTATIVE OF A COLLEGE OR UNIVERSITY
26 DEPARTMENT THAT CONDUCTS RESEARCH ON HUMAN TRAFFICKING, TO BE
27 APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

1 (XVI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
2 PROVIDES LEGAL ADVOCACY TO ABUSED, NEGLECTED, AND AT-RISK
3 CHILDREN, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

4 (XVII) TWO REPRESENTATIVES OF ORGANIZATIONS THAT PROVIDE
5 DIRECT SERVICES TO VICTIMS OF HUMAN TRAFFICKING, TO BE APPOINTED
6 BY THE GOVERNOR OR HIS OR HER DESIGNEE;

7 (XVIII) ONE REPRESENTATIVE OF A FAITH-BASED ORGANIZATION
8 THAT ASSISTS VICTIMS OF HUMAN TRAFFICKING, TO BE APPOINTED BY THE
9 GOVERNOR OR HIS OR HER DESIGNEE;

10 (XIX) TWO PERSONS, EACH OF WHOM IS A DIRECTOR OF A COUNTY
11 DEPARTMENT OF SOCIAL SERVICES, ONE FROM AN URBAN COUNTY AND THE
12 OTHER FROM A RURAL COUNTY, EACH TO BE APPOINTED BY THE GOVERNOR
13 OR HIS OR HER DESIGNEE;

14 (XX) ONE PERSON WHO PROVIDES CHILD WELFARE SERVICES FOR
15 A COUNTY DEPARTMENT OF SOCIAL SERVICES, TO BE APPOINTED BY THE
16 GOVERNOR OR HIS OR HER DESIGNEE; AND

17 (XXI) TWO PERSONS WHO ARE FORMER VICTIMS OF HUMAN
18 TRAFFICKING, EACH TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER
19 DESIGNEE.

20 (2) EACH APPOINTING AUTHORITY DESCRIBED IN SUBSECTION (1)
21 OF THIS SECTION SHALL MAKE HIS OR HER APPOINTMENTS TO THE COUNCIL
22 ON OR BEFORE AUGUST 1, 2014. THE MEMBERS OF THE COUNCIL SHALL
23 ELECT PRESIDING OFFICERS FOR THE COUNCIL, INCLUDING A CHAIR AND
24 VICE-CHAIR, FROM AMONG THE COUNCIL MEMBERS APPOINTED PURSUANT
25 TO SUBSECTION (1) OF THIS SECTION, WHICH PRESIDING OFFICERS SHALL
26 SERVE TERMS OF TWO YEARS. COUNCIL MEMBERS MAY REELECT A
27 PRESIDING OFFICER.

1 (3) EACH MEMBER OF THE COUNCIL SHALL SERVE AT THE
2 PLEASURE OF HIS OR HER APPOINTING AUTHORITY FOR A TERM OF FOUR
3 YEARS. THE APPOINTING AUTHORITY MAY REAPPOINT THE MEMBER FOR AN
4 ADDITIONAL TERM OR TERMS. MEMBERS OF THE COUNCIL SHALL SERVE
5 WITHOUT COMPENSATION.

6 (4) THE COUNCIL SHALL HOLD ITS FIRST MEETING ON OR BEFORE
7 NOVEMBER 1, 2014, AT A TIME AND PLACE TO BE DESIGNATED BY THE
8 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, OR BY HIS
9 OR HER DESIGNEE. THE COUNCIL SHALL MEET AT LEAST FOUR TIMES EACH
10 YEAR AND SHALL CARRY OUT THE FOLLOWING DUTIES:

11 (a) ON OR BEFORE JANUARY 1, 2016, MAKE RECOMMENDATIONS
12 TO THE JUDICIAL COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
13 SENATE, OR ANY SUCCESSOR COMMITTEES, CONCERNING:

14 (I) WHETHER THE GENERAL ASSEMBLY SHOULD ESTABLISH
15 STANDARDS AND A PROCESS FOR THE CERTIFICATION OF ORGANIZATIONS
16 THAT PROVIDE SERVICES TO VICTIMS OF HUMAN TRAFFICKING; AND

17 (II) WHETHER THE GENERAL ASSEMBLY SHOULD ESTABLISH A
18 GRANT PROGRAM TO WHICH ORGANIZATIONS THAT PROVIDE SERVICES TO
19 VICTIMS OF HUMAN TRAFFICKING MAY APPLY FOR GRANTS, INCLUDING
20 CONSIDERATION OF HOW SUCH A GRANT PROGRAM MAY BE FUNDED;

21 (b) CONSIDER AND MAKE, AS IT DEEMS NECESSARY,
22 RECOMMENDATIONS TO THE JUDICIAL COMMITTEES OF THE HOUSE OF
23 REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES,
24 CONCERNING ANY STATUTORY CHANGES THAT THE COUNCIL DEEMS
25 NECESSARY TO FACILITATE THE PROSECUTION AND PUNISHMENT OF
26 PERSONS WHO ENGAGE IN, AND TO PROTECT THE VICTIMS OF, HUMAN
27 TRAFFICKING;

1 (c) DEVELOP AN IMPLEMENTATION PLAN FOR A PUBLIC AWARENESS
2 CAMPAIGN TO EDUCATE THE PUBLIC ABOUT HUMAN TRAFFICKING AND
3 PLACE VICTIMS SERVICES CONTACT INFORMATION IN PLACES WHERE
4 VICTIMS OF HUMAN TRAFFICKING ARE LIKELY TO SEE IT;

5 (d) DEVELOP TRAINING STANDARDS AND CURRICULA FOR
6 ORGANIZATIONS THAT PROVIDE ASSISTANCE TO VICTIMS OF HUMAN
7 TRAFFICKING, FOR PERSONS WHO WORK IN OR WHO FREQUENT PLACES
8 WHERE HUMAN TRAFFICKING VICTIMS ARE LIKELY TO APPEAR, AND FOR
9 LAW ENFORCEMENT AGENCIES;

10 (e) IDENTIFY BEST PRACTICES FOR THE PREVENTION OF HUMAN
11 TRAFFICKING, PARTICULARLY FOR THE PREVENTION OF CHILD SEX
12 TRAFFICKING; AND

13 (f) COLLECT DATA RELATING TO THE PREVALENCE OF, AND THE
14 EFFORTS OF LAW ENFORCEMENT TO COMBAT, HUMAN TRAFFICKING IN
15 COLORADO. THE COUNCIL SHALL ANNUALLY REPORT THE DATA TO THE
16 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE,
17 OR TO ANY SUCCESSOR COMMITTEES.

18 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-603, **add** (9)
19 as follows:

20 **18-1.3-603. Assessment of restitution - corrective orders.**

21 (9) FOR A CONVICTION FOR HUMAN TRAFFICKING FOR INVOLUNTARY
22 SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, OR FOR HUMAN
23 TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION
24 18-3-504, THE COURT SHALL ORDER RESTITUTION, IF APPROPRIATE,
25 PURSUANT TO THIS SECTION EVEN IF THE VICTIM IS UNAVAILABLE TO
26 ACCEPT PAYMENT OF RESTITUTION. IF THE VICTIM IS DECEASED OR
27 UNAVAILABLE FOR FIVE YEARS AFTER THE DATE OF THE RESTITUTION

1 ORDER, THE DEFENDANT SHALL PAY THE ORDERED RESTITUTION TO THE
2 PROSTITUTION ENFORCEMENT CASH FUND CREATED IN SECTION
3 24-33.5-513, C.R.S.

4 **SECTION 3.** In Colorado Revised Statutes, 18-3-407, **amend** (2)
5 introductory portion as follows:

6 **18-3-407. Victim's and witness's prior history - evidentiary**
7 **hearing - victim's identity - protective order.** (2) In any criminal
8 prosecution for class 4 felony internet luring of a child, as described in
9 section 18-3-306 (3) or under sections 18-3-402 to 18-3-405.5, 18-3-504,
10 18-6-301, 18-6-302, 18-6-403, **and** 18-6-404, AND ANY OFFENSE
11 DESCRIBED IN PART 4 OF ARTICLE 7 OF THIS TITLE, or for attempt or
12 conspiracy to commit any of said crimes, if evidence, that is not excepted
13 under subsection (1) of this section, of specific instances of the victim's
14 or a witness's prior or subsequent sexual conduct, or opinion evidence of
15 the victim's or a witness's sexual conduct, or reputation evidence of the
16 victim's or a witness's sexual conduct, or evidence that the victim or a
17 witness has a history of false reporting of sexual assaults is to be offered
18 at trial, the following procedure shall be followed:

19 **SECTION 4.** In Colorado Revised Statutes, 16-5-401, **amend** (1)
20 (c) (IV) as follows:

21 **16-5-401. Limitation for commencing criminal proceedings**
22 **and juvenile delinquency proceedings.** (1) (c) For purposes of this
23 section:

24 (IV) "Sex offense against a child" means any "unlawful sexual
25 offense", as defined in section 18-3-411 (1), C.R.S., that is a felony AND
26 HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED
27 IN SECTION 18-3-504, C.R.S.

1 HER PARENT OR HAS A PHYSICIAN'S
2 PRESCRIPTION FOR MASSAGE SERVICES.
3 PART 5 OF ARTICLE 3 OF TITLE 18, COLORADO
4 REVISED STATUTES, PROHIBITS HUMAN
5 TRAFFICKING ~~OF ADULTS, TRAFFICKING OF~~
6 ~~CHILDREN, AND COERCION OF INVOLUNTARY~~
7 ~~SERVITUDE~~ AND ESTABLISHES CRIMINAL
8 PENALTIES FOR ~~THESE OFFENSES~~ OFFENDERS.
9 FINES OR IMPRISONMENT MAY BE IMPOSED BY
10 THE COURTS FOR VIOLATION OF THESE
11 PROVISIONS UNDER ARTICLE 48.5 OF TITLE 12,
12 COLORADO REVISED STATUTES.

13 **SECTION 7.** In Colorado Revised Statutes, **amend** 13-21-127 as
14 follows:

15 **13-21-127. Civil damages for human trafficking and**
16 **involuntary servitude.** (1) A person is entitled to recover damages and
17 to obtain injunctive relief from any person who commits HUMAN
18 ~~trafficking in adults, as described in section 18-3-501, C.R.S.; trafficking~~
19 ~~in children, as described in section 18-3-502, C.R.S.; or coercion of~~
20 ~~involuntary servitude~~ FOR INVOLUNTARY SERVITUDE, as described in
21 section 18-3-503, C.R.S., OR HUMAN TRAFFICKING FOR SEXUAL
22 SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, C.R.S.

23 (2) A conviction for HUMAN trafficking ~~in adults, as described in~~
24 ~~section 18-3-501, C.R.S.; trafficking in children, as described in section~~
25 ~~18-3-502, C.R.S.; or coercion of involuntary servitude~~ FOR INVOLUNTARY
26 SERVITUDE, as described in section 18-3-503, C.R.S., OR HUMAN
27 TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION

1 18-3-504, C.R.S., shall not be a condition precedent to maintaining a civil
2 action pursuant to the provisions of this section.

3 **SECTION 8.** In Colorado Revised Statutes, 13-25-129.5, **amend**
4 (2) (b) (IX) as follows:

5 **13-25-129.5. Statements of persons with intellectual and**
6 **developmental disabilities - hearsay exception.** (2) (b) The exception
7 described in paragraph (a) of this subsection (2) applies to an out-of-court
8 statement made by a person with a developmental disability, which
9 statement describes all or part of any of the following offenses:

10 (IX) HUMAN trafficking ~~in children~~ OF A MINOR FOR
11 INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, C.R.S., OR
12 HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, as described
13 in ~~section 18-3-502, C.R.S.~~ SECTION 18-3-504 (2), C.R.S.;

14 **SECTION 9.** In Colorado Revised Statutes, 14-10-129, **amend**
15 (3) (b) (XI) as follows:

16 **14-10-129. Modification of parenting time.** (3) (b) The
17 provisions of paragraph (a) of this subsection (3) shall apply to the
18 following crimes:

19 (XI) HUMAN trafficking ~~in children~~ OF A MINOR FOR SEXUAL
20 SERVITUDE, as ~~defined~~ DESCRIBED in ~~section 18-3-502, C.R.S.~~ SECTION
21 18-3-504 (2), C.R.S.;

22 **SECTION 10.** In Colorado Revised Statutes, 16-8-115, **amend**
23 (4) (g) (X) as follows:

24 **16-8-115. Release from commitment after verdict of not guilty**
25 **by reason of insanity or not guilty by reason of impaired mental**
26 **condition.** (4) (g) As used in this subsection (4), "an offense involving
27 unlawful sexual behavior" means any of the following offenses:

1 (X) HUMAN trafficking ~~in children, in violation of section~~
2 ~~18-3-502, C.R.S.~~ OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN
3 SECTION 18-3-504 (2), C.R.S.;

4 **SECTION 11.** In Colorado Revised Statutes, 16-11.7-102,
5 **amend** (3) (j) as follows:

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) HUMAN trafficking ~~in children, in violation of section~~
11 ~~18-3-502, C.R.S.~~ OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN
12 SECTION 18-3-504 (2), C.R.S.;

13 **SECTION 12.** In Colorado Revised Statutes, 16-13-303, **amend**
14 (1) (a) as follows:

15 **16-13-303. Class 1 public nuisance.** (1) Every building or part
16 of a building including the ground upon which it is situate and all fixtures
17 and contents thereof, every vehicle, and any real property shall be deemed
18 a class 1 public nuisance when:

19 (a) Used as a public or private place of prostitution or used as a
20 place where the commission of soliciting for prostitution, as defined in
21 section 18-7-202, C.R.S.; pandering, as defined in section 18-7-203,
22 C.R.S.; keeping a place of prostitution, as defined in section 18-7-204,
23 C.R.S.; pimping, as defined in section 18-7-206, C.R.S.; ~~trafficking in~~
24 ~~adults, as defined in section 18-3-501, C.R.S.; trafficking in children, as~~
25 ~~defined in section 18-3-502, C.R.S.; or coercion of involuntary servitude,~~
26 ~~as defined in section 18-3-503, C.R.S.~~ HUMAN TRAFFICKING, AS
27 DESCRIBED IN SECTION 18-3-503 OR 18-3-504, C.R.S.; occurs;

1 **SECTION 13.** In Colorado Revised Statutes, 16-22-102, **amend**
2 (9) (j) as follows:

3 **16-22-102. Definitions.** As used in this article, unless the context
4 otherwise requires:

5 (9) "Unlawful sexual behavior" means any of the following
6 offenses or criminal attempt, conspiracy, or solicitation to commit any of
7 the following offenses:

8 (j) ~~HUMAN trafficking in children, in violation of section~~
9 ~~18-3-502, C.R.S.~~ OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN
10 SECTION 18-3-504 (2), C.R.S.;

11 **SECTION 14.** In Colorado Revised Statutes, 16-22-108, **amend**
12 (2.5) (c) as follows:

13 **16-22-108. Registration - procedure - frequency - place -**
14 **change of address - fee.** (2.5) (c) For purposes of this section, "child sex
15 crime" means sexual assault on a child, as described in section 18-3-405,
16 C.R.S.; sexual assault on a child by one in a position of trust, as described
17 in section 18-3-405.3, C.R.S.; unlawful sexual contact, as described in
18 section 18-3-404 (1.5), C.R.S.; enticement of a child, as described in
19 section 18-3-305, C.R.S.; aggravated incest, as described in section
20 18-6-302 (1) (b), C.R.S.; ~~HUMAN trafficking in children, as described in~~
21 ~~section 18-3-502, C.R.S.~~ OF A MINOR FOR SEXUAL SERVITUDE, AS
22 DESCRIBED IN SECTION 18-3-504 (2), C.R.S.; sexual exploitation of
23 children, as described in section 18-6-403, C.R.S.; procurement of a child
24 for sexual exploitation, as described in section 18-6-404, C.R.S.;
25 soliciting for child prostitution, as described in section 18-7-402, C.R.S.;
26 pandering of a child, as described in section 18-7-403, C.R.S.;
27 procurement of a child, as described in section 18-7-403.5, C.R.S.;

1 keeping a place of child prostitution, as described in section 18-7-404,
2 C.R.S.; pimping of a child, as described in section 18-7-405, C.R.S.;
3 inducement of child prostitution, as described in section 18-7-405.5,
4 C.R.S.; patronizing a prostituted child, as described in section 18-7-406,
5 C.R.S.; internet luring of a child, as described in section 18-3-306,
6 C.R.S.; internet sexual exploitation of a child, as described in section
7 18-3-405.4, C.R.S.; wholesale promotion of obscenity to a minor, as
8 described in section 18-7-102 (1.5), C.R.S.; promotion of obscenity to a
9 minor, as described in section 18-7-102 (2.5), C.R.S.; sexual assault, as
10 described in section 18-3-402 (1) (d) and (1) (e), C.R.S.; sexual assault in
11 the second degree as it existed prior to July 1, 2000, as described in
12 section 18-3-403 (1) (e) and (1) (e.5), C.R.S.; or criminal attempt,
13 conspiracy, or solicitation to commit any of the acts specified in this
14 paragraph (c).

15 **SECTION 15.** In Colorado Revised Statutes, 18-1.3-602, **amend**
16 (4) (e) as follows:

17 **18-1.3-602. Definitions.** As used in this part 6, unless the context
18 otherwise requires:

19 (4) (e) Notwithstanding any other provision of this section,
20 "victim" includes a person less than eighteen years of age who has been
21 trafficked by an offender, as described in ~~section 18-3-502, or coerced~~
22 ~~into involuntary servitude, as described in section 18-3-503 OR 18-3-504.~~

23 **SECTION 16.** In Colorado Revised Statutes, 18-3-411, **amend**
24 (1) as follows:

25 **18-3-411. Sex offenses against children - "unlawful sexual**
26 **offense" defined - limitation for commencing proceedings - evidence**
27 **- statutory privilege.** (1) As used in this section, "unlawful sexual

1 offense" means enticement of a child, as described in section 18-3-305,
2 sexual assault, as described in section 18-3-402, 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 in the first degree, as described in section 18-3-402, as it
5 existed prior to July 1, 2000, when the victim at the time of the
6 commission of the act is a child less than fifteen years of age; sexual
7 assault in the second degree, as described in section 18-3-403 (1) (a), (1)
8 (b), (1) (c), (1) (d), (1) (g), or (1) (h), as it existed prior to July 1, 2000,
9 when the victim at the time of the commission of the act is a child less
10 than fifteen years of age, or as described in section 18-3-403 (1) (e), as it
11 existed prior to July 1, 2000, when the victim is less than fifteen years of
12 age and the actor is at least four years older than the victim; unlawful
13 sexual contact, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1)
14 (d), (1) (f), or (1) (g), when the victim at the time of the commission of
15 the act is a child less than fifteen years of age; sexual assault in the third
16 degree, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d),
17 (1) (f), or (1) (g), as it existed prior to July 1, 2000, when the victim at the
18 time of the commission of the act is a child less than fifteen years of age;
19 sexual assault on a child, as described in section 18-3-405; sexual assault
20 on a child by one in a position of trust, as described in section 18-3-405.3;
21 aggravated incest, as described in section 18-6-302; HUMAN trafficking
22 ~~in children, as described in section 18-3-502~~ OF A MINOR FOR SEXUAL
23 SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2), C.R.S.; sexual
24 exploitation of a child, as described in section 18-6-403; procurement of
25 a child for sexual exploitation, as described in section 18-6-404; indecent
26 exposure, as described in section 18-7-302, soliciting for child
27 prostitution, as described in section 18-7-402; pandering of a child, as

1 described in section 18-7-403; procurement of a child, as described in
2 section 18-7-403.5; keeping a place of child prostitution, as described in
3 section 18-7-404; pimping of a child, as described in section 18-7-405;
4 inducement of child prostitution, as described in section 18-7-405.5;
5 patronizing a prostituted child, as described in section 18-7-406; class 4
6 felony internet luring of a child, as described in section 18-3-306 (3);
7 internet sexual exploitation of a child, as described in section 18-3-405.4;
8 or criminal attempt, conspiracy, or solicitation to commit any of the acts
9 specified in this subsection (1).

10 **SECTION 17.** In Colorado Revised Statutes, 18-3-412, **amend**
11 (1) as follows:

12 **18-3-412. Habitual sex offenders against children - indictment**
13 **or information - verdict of the jury.** (1) For the purpose of this section,
14 "unlawful sexual offense" means sexual assault, as described in section
15 18-3-402, when the victim at the time of the commission of the act is a
16 child less than fifteen years of age, sexual assault in the first degree, as
17 described in section 18-3-402, as it existed prior to July 1, 2000, when the
18 victim at the time of the commission of the act is a child less than fifteen
19 years of age; sexual assault in the second degree, as described in section
20 18-3-403 (1) (a), (1) (b), (1) (c), (1) (d), (1) (g), or (1) (h), as it existed
21 prior to July 1, 2000, when the victim at the time of the commission of the
22 act is a child less than fifteen years of age, or as described in section
23 18-3-403 (1) (e), as it existed prior to July 1, 2000, when the victim is less
24 than fifteen years of age and the actor is at least four years older than the
25 victim; unlawful sexual contact, as described in section 18-3-404 (1) (a),
26 (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), when the victim at the time of
27 the commission of the act is a child less than fifteen years of age; sexual

1 assault in the third degree, as described in section 18-3-404 (1) (a), (1)
2 (b), (1) (c), (1) (d), (1) (f), or (1) (g), as it existed prior to July 1, 2000,
3 when the victim at the time of the commission of the act is a child less
4 than fifteen years of age; sexual assault on a child, as described in section
5 18-3-405; sexual assault on a child by one in a position of trust, as
6 described in section 18-3-405.3; aggravated incest, as described in section
7 18-6-302; ~~HUMAN trafficking in children, as described in section 18-3-502~~
8 ~~OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504~~
9 (2), C.R.S.; sexual exploitation of a child, as described in section
10 18-6-403; procurement of a child for sexual exploitation, as described in
11 section 18-6-404; soliciting for child prostitution, as described in section
12 18-7-402; pandering of a child, as described in section 18-7-403;
13 procurement of a child, as described in section 18-7-403.5; keeping a
14 place of child prostitution, as described in section 18-7-404; pimping of
15 a child, as described in section 18-7-405; inducement of child
16 prostitution, as described in section 18-7-405.5; patronizing a prostituted
17 child, as described in section 18-7-406; or criminal attempt, conspiracy,
18 or solicitation to commit any of the acts specified in this subsection (1).

19 **SECTION 18.** In Colorado Revised Statutes, 18-17-103, **amend**
20 (5) (b) (I) as follows:

21 **18-17-103. Definitions.** As used in this article, unless the context
22 otherwise requires:

23 (5) "Racketeering activity" means to commit, to attempt to
24 commit, to conspire to commit, or to solicit, coerce, or intimidate another
25 person to commit:

26 (b) Any violation of the following provisions of the Colorado
27 statutes or any criminal act committed in any jurisdiction of the United

1 States which, if committed in this state, would be a crime under the
2 following provisions of the Colorado statutes:

3 (I) Offenses against the person, as defined in sections 18-3-102
4 (first degree murder), 18-3-103 (second degree murder), 18-3-104
5 (manslaughter), 18-3-202 (first degree assault), 18-3-203 (second degree
6 assault), 18-3-204 (third degree assault), 18-3-206 (menacing), 18-3-207
7 (criminal extortion), 18-3-301 (first degree kidnapping), 18-3-302
8 (second degree kidnapping), ~~18-3-501 (trafficking in adults), 18-3-502~~
9 ~~(trafficking in children), and 18-3-503 (coercion of involuntary servitude)~~
10 18-3-503 (HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE), AND
11 18-3-504 (HUMAN TRAFFICKING FOR SEXUAL SERVITUDE);

12 **SECTION 19.** In Colorado Revised Statutes, 18-24-101, **amend**
13 (2) (f) and (2) (g); and **add** (2) (h) as follows:

14 **18-24-101. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (2) "Crime against a child" means any offense listed in section
17 18-3-411, or criminal attempt, conspiracy, or solicitation to commit any
18 of those offenses, and any of the following offenses, or criminal attempt,
19 conspiracy, or solicitation to commit any of the following offenses:

20 (f) Invasion of privacy for sexual gratification, in violation of
21 section 18-3-405.6, when the victim is a child; ~~or~~

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

25 (h) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, IN
26 VIOLATION OF SECTION 18-3-504 (2).

27 **SECTION 20.** In Colorado Revised Statutes, 19-1-306, **amend**

1 (5) (d) (I) as follows:

2 **19-1-306. Expungement of juvenile delinquent records.**

3 (5) (d) The court shall order expunged all records in the custody of the
4 court and any records in the custody of any other agency or official that
5 pertain to the petitioner's conviction for prostitution, as described in
6 section 18-7-201, C.R.S.; soliciting for prostitution, as described in
7 section 18-7-202, C.R.S.; keeping a place of prostitution, as described in
8 section 18-7-204, C.R.S.; public indecency, as described in section
9 18-7-301, C.R.S.; soliciting for child prostitution, as described in section
10 18-7-402, C.R.S.; or any corresponding municipal code or ordinance if,
11 at the hearing, the court finds that the petitioner who is the subject of the
12 hearing has established by a preponderance of the evidence that, at the
13 time he or she committed the offense, he or she:

14 (I) Had been ~~sold, exchanged, bartered, or leased~~ TRAFFICKED by
15 another person, as described in ~~section 18-3-501 or 18-3-502, C.R.S.~~
16 SECTION 18-3-503 OR 18-3-504, C.R.S., for the purpose of performing the
17 offense; or

18 **SECTION 21.** In Colorado Revised Statutes, 22-31-107, **amend**
19 (5) (b) as follows:

20 **22-31-107. Candidates for school director - call - qualification**
21 **- nomination.** (5) (b) For purposes of this subsection (5), "sexual offense
22 against a child" means any of the offenses described in sections 18-3-305,
23 18-3-405, 18-3-405.3, ~~18-3-502~~ 18-3-504 (2), 18-6-301, 18-6-302,
24 18-6-403, 18-6-404, and 18-7-402 to 18-7-406, C.R.S., and any of the
25 offenses described in sections 18-3-402 to 18-3-404 and 18-7-302,
26 C.R.S., where the victim is less than eighteen years of age. "Sexual
27 offense against a child" also means attempt, solicitation, or conspiracy to

1 commit any of the offenses specified in this paragraph (b).

2 **SECTION 22.** In Colorado Revised Statutes, 24-4.1-302, **amend**

3 (1) (ii) as follows:

4 **24-4.1-302. Definitions.** As used in this part 3, and for no other
5 purpose, including the expansion of the rights of any defendant:

6 (1) "Crime" means any of the following offenses, acts, and
7 violations as defined by the statutes of the state of Colorado, whether
8 committed by an adult or a juvenile:

9 (ii) HUMAN trafficking ~~in adults~~, in violation of ~~section 18-3-501,~~
10 ~~C.R.S.; or trafficking in children, in violation of section 18-3-502, C.R.S.~~
11 SECTION 18-3-503 OR 18-3-504, C.R.S.;

12 **SECTION 23.** In Colorado Revised Statutes, 24-4.2-104, **amend**

13 (1) (a) (II) (B) as follows:

14 **24-4.2-104. Surcharges levied on criminal actions and traffic**
15 **offenses.** (1) (a) (II) (B) The surcharge in sub-subparagraph (A) of this
16 subparagraph (II) shall apply to charges brought pursuant to the following
17 sections: 18-3-305, 18-3-402, 18-3-403, as it existed prior to July 1, 2000,
18 18-3-404, 18-3-405, 18-3-405.3, 18-3-405.5, ~~18-3-502~~ 18-3-503,
19 18-3-504, 18-6-301, 18-6-302, 18-6-403, 18-6-404, 18-7-302, 18-7-402,
20 18-7-405, 18-7-405.5, and 18-7-406, C.R.S., or any attempt to commit
21 any of these crimes.

22 **SECTION 24.** In Colorado Revised Statutes, 24-72-308.7,

23 **amend** (2) (a) (II) (C) as follows:

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

26 (2) **Sealing of conviction records.** (a) (II) If a petition is filed pursuant
27 to subparagraph (I) of this paragraph (a) for the sealing of a record of

1 conviction for prostitution, as described in section 18-7-201, C.R.S.;
2 soliciting for prostitution, as described in section 18-7-202, C.R.S.;
3 keeping a place of prostitution, as described in section 18-7-204, C.R.S.;
4 or public indecency, as described in section 18-7-301, C.R.S., the court
5 shall order the record sealed after:

6 (C) The defendant establishes by a preponderance of the evidence
7 that, at the time he or she committed the offense, he or she had been ~~sold,~~
8 ~~exchanged, bartered, or leased~~ TRAFFICKED by another person, as
9 described in section ~~18-3-501 or 18-3-502~~ 18-3-503 OR 18-3-504, C.R.S.,
10 for the 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 perform the
12 offense.

13 **SECTION 25. Potential appropriation.** Pursuant to section
14 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
15 in periods of imprisonment in the state correctional facilities must include
16 an appropriation of moneys that is sufficient to cover any increased
17 capital construction and operational costs for the first five fiscal years in
18 which there is a fiscal impact. Because this act may increase periods of
19 imprisonment, this act may require a five-year appropriation.

20 **SECTION 26. Effective date - applicability.** This act takes
21 effect July 1, 2014, and applies to offenses committed on or after said
22 date.

23 **SECTION 27. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.