

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0614.02 Debbie Haskins x2045

HOUSE BILL 14-1149

HOUSE SPONSORSHIP

Conti,

SENATE SPONSORSHIP

Marble,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING MAKING ACTS RELATED TO THE ADVERTISEMENT OF**
102 **CHILDREN FOR THE PURPOSES OF TRANSFERRING THEIR CARE**
103 **TO OTHERS TRAFFICKING IN CHILDREN.**

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 amends the crime of trafficking in children to include a person who advertises a child through any public medium that originates within this state when the person advertises to:

! Find a child to adopt or to otherwise take a child into his or

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.

HOUSE
3rd Reading Unamended
March 12, 2014

HOUSE
Amended 2nd Reading
March 10, 2014

- her permanent physical custody;
 - ! Find an adoptive home or any other permanent physical placement for a child or to arrange for or assist in the adoption, adoptive placement, or any other permanent physical placement of a child; or
 - ! Offer to place a child for adoption or in any other permanent physical placement with another person; or
- when the person receives a child as a result of such an advertisement.

Trafficking in children through such advertisements is punishable as a class 6 felony, and receiving a child as a result of such advertisements is punishable as a class 2 felony.

The bill defines advertising through a public medium to include advertising by newspaper, telephone book listing, outdoor advertising sign, radio, television, or by any computerized communication system, including by electronic mail, internet site, internet profile, or any similar medium of communication provided via the internet.

This prohibition does not apply to:

- ! An employee of the state department of human services, a county department of social services, or a child placement agency that is licensed to place children for adoption or in foster care who is acting within the scope of his or her employment in placing a child for adoption or in foster care;
- ! An individual or agency who provides adoption information through the statewide adoption resource registry;
- ! An adoption exchange whose membership includes county departments and licensed child placement agencies;
- ! An individual who contacts the state department of human services, a county department of social services, or a child placement agency about placing his or her child for adoption;
- ! An individual who has received a favorable recommendation regarding his or her fitness to be an adoptive parent from the state department of human services, a county department of social services, or a child placement agency licensed in this state or in another jurisdiction;
- ! An attorney who is licensed to practice in this state who advertises his or her availability to practice or provide services relating to the adoption of children; or
- ! An individual who has obtained approval through one of these exempted agencies or entities or from a court of record.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 18-3-502 as
3 follows:

4 **18-3-502. Trafficking in children.** (1) A person commits
5 trafficking in children if he or she:

6 (a) Sells, exchanges, barter, or leases a child and receives any
7 money or other consideration or thing of value for the child as a result of
8 such transaction; ~~or~~

9 (b) Receives a child as a result of a transaction described in
10 paragraph (a) of this subsection (1); OR

11 (c) ADVERTISES A CHILD THROUGH A PUBLIC MEDIUM FOR
12 ONE OF THE FOLLOWING PURPOSES:

13 (I) TO FIND A CHILD TO ADOPT OR TO OTHERWISE TAKE A CHILD
14 INTO HIS OR HER PERMANENT PHYSICAL CUSTODY; OR

15 (II) TO FIND AN ADOPTIVE HOME OR ANY OTHER PERMANENT
16 PHYSICAL PLACEMENT FOR A CHILD OR TO ARRANGE FOR OR ASSIST IN THE
17 ADOPTION, ADOPTIVE PLACEMENT, OR ANY OTHER PERMANENT PHYSICAL
18 PLACEMENT OF A CHILD; OR

19 (III) TO OFFER TO PLACE A CHILD FOR ADOPTION OR IN ANY OTHER
20 PERMANENT PHYSICAL PLACEMENT WITH ANOTHER PERSON; OR

21 (d) RECEIVES A CHILD AS A RESULT OF AN ADVERTISEMENT
22 DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (1).

23 (1.5) PARAGRAPHS (c) AND (d) OF SUBSECTION (1) OF THIS
24 SECTION DO NOT APPLY TO ANY OF THE FOLLOWING:

25 (a) AN EMPLOYEE OF THE STATE DEPARTMENT OF HUMAN
26 SERVICES, A COUNTY DEPARTMENT OF SOCIAL SERVICES, OR A CHILD

1 PLACEMENT AGENCY THAT IS LICENSED PURSUANT TO PART 1 OF ARTICLE
2 6 OF TITLE 26, C.R.S., WHO IS ACTING WITHIN THE SCOPE OF HIS OR HER
3 EMPLOYMENT TO PLACE A CHILD FOR ADOPTION OR IN FOSTER CARE;

4 (b) AN INDIVIDUAL OR AGENCY THAT PROVIDES ADOPTION
5 INFORMATION THROUGH THE STATEWIDE ADOPTION RESOURCE REGISTRY
6 AS PROVIDED IN SECTION 26-1-111 (4), C.R.S.;

7 (c) AN ADOPTION EXCHANGE WHOSE MEMBERSHIP INCLUDES
8 COUNTY DEPARTMENTS AND LICENSED CHILD PLACEMENT AGENCIES THAT
9 PROVIDES INFORMATION AND REFERRAL SERVICES TO FIND ADOPTIVE
10 HOMES AND TO PROMOTE ADOPTION;

11 (d) AN INDIVIDUAL WHO CONTACTS AND HAS ENTERED INTO AN
12 AGREEMENT WITH OR IS ACTIVELY WORKING WITH ANY OF THE AGENCIES
13 OR ENTITIES DESCRIBED IN PARAGRAPH (a), (b), OR (c) OF THIS
14 SUBSECTION (1.5) SEEKING TO PLACE HIS OR HER CHILD FOR ADOPTION;

15 (e) AN INDIVIDUAL WHO HAS RECEIVED A FAVORABLE
16 RECOMMENDATION REGARDING HIS OR HER FITNESS TO BE AN ADOPTIVE
17 PARENT IN THIS STATE FROM THE STATE DEPARTMENT OF HUMAN
18 SERVICES, A COUNTY DEPARTMENT OF SOCIAL SERVICES, OR A CHILD
19 PLACEMENT AGENCY LICENSED IN THIS STATE OR IN ANOTHER
20 JURISDICTION FROM AN ENTITY AUTHORIZED BY THAT JURISDICTION TO
21 CONDUCT STUDIES OF POTENTIAL ADOPTIVE HOMES;

22 (f) AN ATTORNEY WHO IS LICENSED TO PRACTICE IN THIS STATE
23 WHO ADVERTISES HIS OR HER AVAILABILITY TO PRACTICE OR PROVIDE
24 SERVICES RELATING TO THE ADOPTION OF CHILDREN; ■

25 (g) AN INDIVIDUAL WHO HAS OBTAINED APPROVAL THROUGH ONE
26 OF THE AGENCIES OR ENTITIES LISTED IN PARAGRAPHS (a) THROUGH (e) OF
27 THIS SUBSECTION (1.5) OR FROM A COURT OF RECORD EITHER PRIOR TO

1 RECEIVING A CHILD OR WITHIN ONE HUNDRED EIGHTY-TWO DAYS AFTER
2 RECEIVING A CHILD; OR

3 (h) AN INDIVIDUAL WHO RECEIVES A CHILD AND WHO IS A
4 RELATIVE OF THE CHILD.

5 (2) As used in this section, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "ADVERTISES THROUGH A PUBLIC MEDIUM" MEANS TO
8 COMMUNICATE BY ANY PUBLIC MEDIUM, INCLUDING BY NEWSPAPER,
9 PERIODICAL, TELEPHONE BOOK LISTING, OUTDOOR ADVERTISING SIGN,
10 RADIO, OR TELEVISION, OR BY COMPUTERIZED COMMUNICATION
11 SYSTEM, WHICH INCLUDES INTERNET SITE, INTERNET PROFILE, OR ANY
12 SIMILAR MEDIUM OF COMMUNICATION PROVIDED VIA THE INTERNET.

13 ADVERTISING THROUGH A PUBLIC MEDIUM SHALL NOT INCLUDE PERSONAL
14 OR WORK ELECTRONIC MAIL, TEXT, OR TELEPHONE.

15 (b) "ANOTHER JURISDICTION" MEANS A STATE OF THE UNITED
16 STATES OTHER THAN COLORADO, THE DISTRICT OF COLUMBIA, THE
17 COMMONWEALTH OF PUERTO RICO, ANY TERRITORY OR INSULAR
18 POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES, OR AN
19 INDIAN TRIBE.

20 (c) "Child" means a person under eighteen years of age.

21 (d) "RELATIVE" MEANS A GRANDPARENT, BROTHER, SISTER,
22 HALF-SIBLING, AUNT, UNCLE, OR FIRST COUSIN OF THE CHILD.

23 (3) Trafficking in children IN VIOLATION OF PARAGRAPH (a), (b),
24 OR (d) OF SUBSECTION (1) OF THIS SECTION is a class 2 felony.
25 TRAFFICKING IN CHILDREN IN VIOLATION OF PARAGRAPH (c) OF
26 SUBSECTION (1) OF THIS SECTION IS A CLASS 6 FELONY.

27 **SECTION 2. Potential appropriation.** Pursuant to section

1 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
2 in periods of imprisonment in the state correctional facilities must include
3 an appropriation of moneys that is sufficient to cover any increased
4 capital construction and operational costs for the first five fiscal years in
5 which there is a fiscal impact. Because this act may increase periods of
6 imprisonment, this act may require a five-year appropriation.

7 **SECTION 3. Effective date - applicability.** This act takes effect
8 July 1, 2014, and applies to acts or offenses committed on or after said
9 date.

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.