

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0559.02 Jane Ritter x4342

SENATE BILL 15-030

SENATE SPONSORSHIP

Carroll, Cadman

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING REMOVING CULPABILITY FOR PROSTITUTION FOR A
102 VICTIM OF 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/bills/summaries>.)

The bill creates an affirmative defense to the crime of prostitution on or after July 1, 2015, if the person committed the act as a direct result of being a victim of human trafficking.

A person charged with or convicted of prostitution before July 1, 2015, may petition to have the court vacate his or her record of any conviction for that offense. The court may grant the motion upon 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.

finding that the defendant's participation in the offense was a direct result of being a victim of human trafficking.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-7-201.3 as
3 follows:

4 **18-7-201.3. Affirmative defense - human trafficking -**
5 **expungement of record.** (1) A PERSON CHARGED WITH PROSTITUTION,
6 AS DESCRIBED IN SECTION 18-7-201 OR ANY CORRESPONDING MUNICIPAL
7 CODE OR ORDINANCE, FOR AN OFFENSE COMMITTED ON OR AFTER JULY 1,
8 2015, WHICH OFFENSE WAS COMMITTED AS A DIRECT RESULT OF BEING A
9 VICTIM OF HUMAN TRAFFICKING, MAY ASSERT AS AN AFFIRMATIVE
10 DEFENSE THAT HE OR SHE IS A VICTIM OF HUMAN TRAFFICKING AS DEFINED
11 IN SECTION 18-3-502 (12). AN OFFICIAL DETERMINATION OR
12 DOCUMENTATION IS NOT REQUIRED TO ASSERT AN AFFIRMATIVE DEFENSE
13 PURSUANT TO THIS SUBSECTION (1), BUT OFFICIAL DOCUMENTATION FROM
14 A FEDERAL, STATE, LOCAL, OR TRIBAL GOVERNMENT AGENCY INDICATING
15 THAT THE DEFENDANT WAS A VICTIM AT THE TIME OF THE OFFENSE
16 CREATES A PRESUMPTION THAT HIS OR HER PARTICIPATION IN THE OFFENSE
17 WAS A DIRECT RESULT OF BEING A VICTIM.

18 (2) (a) A PERSON CHARGED WITH OR CONVICTED OF PROSTITUTION,
19 AS DESCRIBED IN SECTION 18-7-201 OR ANY CORRESPONDING MUNICIPAL
20 CODE OR ORDINANCE, FOR AN OFFENSE COMMITTED BEFORE JULY 1, 2015,
21 WHICH OFFENSE WAS COMMITTED AS A DIRECT RESULT OF BEING A VICTIM
22 OF HUMAN TRAFFICKING, AS DEFINED IN SECTION 18-3-502 (12), MAY
23 APPLY TO THE COURT TO VACATE THE APPLICANT'S RECORD OF ANY
24 CONVICTION FOR THAT OFFENSE. THE COURT MAY GRANT THE MOTION
25 UPON A FINDING THAT THE DEFENDANT'S PARTICIPATION IN THE OFFENSE

1 WAS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING.

2 (b) AN OFFICIAL DETERMINATION OR DOCUMENTATION IS NOT
3 REQUIRED TO GRANT A MOTION PURSUANT TO THIS SUBSECTION (2), BUT
4 OFFICIAL DOCUMENTATION FROM A FEDERAL, STATE, LOCAL, OR TRIBAL
5 GOVERNMENT AGENCY INDICATING THAT THE DEFENDANT WAS A VICTIM
6 AT THE TIME OF THE OFFENSE CREATES A PRESUMPTION THAT HIS OR HER
7 PARTICIPATION IN THE OFFENSE WAS A DIRECT RESULT OF BEING A VICTIM.

8 (c) A MOTION FILED PURSUANT TO THIS SUBSECTION (2), ANY
9 HEARING CONDUCTED ON THE MOTION, AND ANY RELIEF GRANTED ARE
10 GOVERNED BY THE COLORADO RULES OF CRIMINAL PROCEDURE
11 CONCERNING POSTCONVICTION RELIEF.

12 **SECTION 2. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.