

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 28, 2015
Date

Committee on Judiciary.

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

SB15-030 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 5, strike "**record.**" and substitute "**record**
2 **protective order - definitions.**".

3 Page 2, line 11, strike "SECTION 18-3-502 (12)." and substitute
4 "SUBSECTION (4) OF THIS SECTION. TO ASSERT THE AFFIRMATIVE DEFENSE
5 PURSUANT TO THIS SUBSECTION (1), THE PERSON CHARGED WITH THE
6 OFFENSE MUST DEMONSTRATE BY A PREPONDERANCE OF THE EVIDENCE
7 THAT HE OR SHE WAS A VICTIM OF HUMAN TRAFFICKING AT THE TIME OF
8 THE OFFENSE."

9 Amend printed bill, page 2, line 18 strike "A" and substitute "ON OR
10 AFTER JANUARY 1, 2016, A".

11 Page 2, line 22, strike "SECTION 18-3-502 (12)," and substitute
12 "SUBSECTION (4) OF THIS SECTION,".

13 Page 2, strike lines 23 through 25 and substitute "APPLY TO THE COURT
14 FOR A SEALING OF HIS OR HER RECORDS PURSUANT TO SECTION 24-72-702,
15 C.R.S., OR 24-72-706, C.R.S., AS APPLICABLE."

16 Page 3, strike line 1 and substitute:
17 "(b) A JUVENILE CHARGED WITH OR ADJUDICATED OF
18 PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201 OR ANY
19 CORRESPONDING MUNICIPAL CODE OR ORDINANCE, FOR AN OFFENSE
20 COMMITTED BEFORE JULY 1, 2015, WHICH OFFENSE WAS COMMITTED AS

1 A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING, AS DEFINED
2 IN SUBSECTION (4) OF THIS SECTION, MAY APPLY TO THE COURT FOR
3 EXPUNGEMENT OF HIS OR HER RECORD PURSUANT TO SECTION 19-1-306,
4 C.R.S."

5 Reletter succeeding paragraphs accordingly.

6 Page 3, strike lines 8 through 11.

7 Page 3, after line 11, insert:

8 "(3) AT THE REQUEST OF A PERSON WHO ASSERTED THE
9 AFFIRMATIVE DEFENSE PURSUANT TO SUBSECTION (1) OF THIS SECTION,
10 THE COURT MAY AT ANY TIME ISSUE A PROTECTIVE ORDER CONCERNING
11 PROTECTING THE CONFIDENTIALITY OF THE PERSON ASSERTING THE
12 AFFIRMATIVE DEFENSE.

13 (4) AS USED IN THIS SECTION UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "HUMAN TRAFFICKING" MEANS AN OFFENSE DESCRIBED IN PART
16 5 OF ARTICLE 3 THIS TITLE OR ANY CONDUCT THAT, IF IT OCCURRED PRIOR
17 TO THE ENACTMENT OF SUCH PART 5, WOULD CONSTITUTE AN OFFENSE OF
18 HUMAN TRAFFICKING PURSUANT TO PART 5 OF ARTICLE 3 OF THIS TITLE.

19 (b) "VICTIM OF HUMAN TRAFFICKING" MEANS A "VICTIM" AS
20 DEFINED IN SECTION 18-3-502 (12).

21 **SECTION 2.** In Colorado Revised Statutes, 18-3-505, **add** (4) (i)
22 as follows:

23 **18-3-505. Human trafficking council - created - duties - repeal.**

24 (4) The council shall hold its first meeting on or before November 1,
25 2014, at a time and place to be designated by the executive director of the
26 department of public safety, or by his or her designee. The council shall
27 meet at least four times each year and shall carry out the following duties:

28 (i) ON OR AFTER JANUARY 1, 2019, PERFORM A POST-ENACTMENT
29 REVIEW OF SECTION 18-7-201.3 AND REPORT ITS FINDINGS TO THE
30 JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES,
31 OR ANY SUCCESSOR COMMITTEES."

32 Renumber succeeding section accordingly.

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