

**First Extraordinary Session
Sixty-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 06B-2034.01 Michael Dohr

HOUSE BILL 06S-1012

HOUSE SPONSORSHIP

Stafford, Schultheis, May M., and Harvey

SENATE SPONSORSHIP

Johnson,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INVOLUNTARY SERVITUDE, AND MAKING AN**
102 **APPROPRIATION IN CONNECTION THEREWITH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Criminalizes involuntary servitude and involuntary servitude of a minor.

Makes a 5-year statutory appropriation.

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

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.

1 PERFORMANCES. NOTHING IN THIS SUBSECTION (5) SHALL BE CONSTRUED
2 TO LEGITIMIZE OR LEGALIZE PROSTITUTION.

3 (6) "SEXUALLY EXPLICIT PERFORMANCE" MEANS A LIVE OR
4 RECORDED BROADCAST, INCLUDING OVER THE INTERNET, OR PUBLIC ACT
5 OR SHOW INTENDED TO AROUSE OR SATISFY THE SEXUAL DESIRES OR
6 APPEAL TO THE PRURIENT INTERESTS OF PATRONS.

7 **18-25-102. Involuntary servitude.** (1) A PERSON COMMITS
8 INVOLUNTARY SERVITUDE IF HE OR SHE FORCES, ATTEMPTS TO FORCE, OR
9 ENGAGES IN A CONSPIRACY TO FORCE ANOTHER PERSON INTO LABOR OR
10 SERVICES BY:

11 (a) CAUSING OR THREATENING TO CAUSE PHYSICAL HARM TO THE
12 PERSON OR ANOTHER PERSON;

13 (b) PHYSICALLY RESTRAINING OR THREATENING TO PHYSICALLY
14 RESTRAIN THE PERSON OR ANOTHER PERSON;

15 (c) ABUSING OR THREATENING TO ABUSE THE LAW OR LEGAL
16 PROCESS;

17 (d) KNOWINGLY DESTROYING, CONCEALING, REMOVING,
18 CONFISCATING, OR POSSESSING ANY ACTUAL OR PURPORTED PASSPORT OR
19 OTHER IMMIGRATION DOCUMENT, OR ANY OTHER ACTUAL OR PURPORTED
20 GOVERNMENT IDENTIFICATION DOCUMENT OF THE PERSON OR ANOTHER
21 PERSON;

22 (e) USING INTIMIDATION OF, CAUSING OR THREATENING TO CAUSE
23 FINANCIAL HARM TO, OR EXERTING FINANCIAL CONTROL OVER ANOTHER
24 PERSON.

25 (2) IT SHALL NOT BE A DEFENSE TO A CHARGE OF INVOLUNTARY
26 SERVITUDE THAT THE PERSON PROVIDED COMPENSATION TO THE PERSON
27 WHO IS SUBJECT TO INVOLUNTARY SERVITUDE.

1 (3) (a) INVOLUNTARY SERVITUDE IF COMMITTED PURSUANT TO
2 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION IS A CLASS 3 FELONY.

3 (b) INVOLUNTARY SERVITUDE IF COMMITTED PURSUANT TO
4 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION IS A CLASS 4 FELONY.

5 (c) INVOLUNTARY SERVITUDE IF COMMITTED PURSUANT TO
6 PARAGRAPH (c) OR (d) OF SUBSECTION (1) OF THIS SECTION IS A CLASS 5
7 FELONY.

8 (d) INVOLUNTARY SERVITUDE IF COMMITTED PURSUANT TO
9 PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION IS A CLASS 6 FELONY.

10 **18-25-103. Involuntary servitude of a minor.** (1) A PERSON
11 COMMITS INVOLUNTARY SERVITUDE OF A MINOR BY:

12 (a) KNOWINGLY RECRUITING, ENTICING, HARBORING,
13 TRANSPORTING, PROVIDING, OR OBTAINING BY ANY MEANS, OR
14 ATTEMPTING TO RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR
15 OBTAIN BY ANY MEANS, ANOTHER PERSON UNDER EIGHTEEN YEARS OF
16 AGE, KNOWING THAT THE OTHER PERSON WILL ENGAGE IN COMMERCIAL
17 SEXUAL ACTIVITY, A SEXUALLY EXPLICIT PERFORMANCE, OR THE
18 PRODUCTION OF PORNOGRAPHY; OR

19 (b) CAUSING OR ATTEMPTING TO CAUSE A PERSON UNDER
20 EIGHTEEN YEARS OF AGE TO ENGAGE IN COMMERCIAL SEXUAL ACTIVITY,
21 A SEXUALLY EXPLICIT PERFORMANCE, OR THE PRODUCTION OF
22 PORNOGRAPHY.

23 (2) INVOLUNTARY SERVITUDE OF A MINOR IS A CLASS 3 FELONY.

24 **SECTION 2.** Part 2 of article 33.5 of title 24, Colorado Revised
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
26 read:

27 **24-33.5-228. Memorandum of understanding - enforcement of**

1 **federal immigration and customs law.** (1) THE CHIEF OF THE
2 COLORADO STATE PATROL IS AUTHORIZED AND DIRECTED TO NEGOTIATE
3 THE TERMS OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE
4 AND THE FEDERAL DEPARTMENT OF JUSTICE OR THE FEDERAL
5 DEPARTMENT OF HOMELAND SECURITY CONCERNING THE ENFORCEMENT
6 OF FEDERAL IMMIGRATION AND CUSTOMS LAWS, INVOLUNTARY SERVITUDE
7 LAWS, DETENTION AND REMOVAL, AND INVESTIGATION IN THE STATE. THE
8 MEMORANDUM OF UNDERSTANDING SHALL BE SIGNED ON BEHALF OF THE
9 STATE BY THE CHIEF OF THE COLORADO STATE PATROL AND THE
10 GOVERNOR OR AS OTHERWISE REQUIRED BY THE APPROPRIATE FEDERAL
11 DEPARTMENT.

12 (2) THE CHIEF OF THE COLORADO STATE PATROL SHALL DESIGNATE
13 APPROPRIATE PEACE OFFICERS TO BE TRAINED PURSUANT TO THE
14 MEMORANDUM OF UNDERSTANDING EXECUTED PURSUANT TO SUBSECTION
15 (1) OF THIS SECTION. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT
16 THE TRAINING SHALL BE FUNDED PURSUANT TO THE FEDERAL
17 "DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006",
18 P.L. NO. 109-90, OR ANY OTHER SOURCE OF FEDERAL FUNDING.

19 (3) A PEACE OFFICER CERTIFIED AS TRAINED IN ACCORDANCE WITH
20 THE MEMORANDUM OF UNDERSTANDING EXECUTED PURSUANT TO
21 SUBSECTION (1) OF THIS SECTION IS AUTHORIZED TO ENFORCE FEDERAL
22 IMMIGRATION AND CUSTOMS LAWS AND INVOLUNTARY SERVITUDE LAWS
23 WHILE ACTING WITHIN THE SCOPE OF HIS OR HER AUTHORIZED DUTIES.

24 **SECTION 3.** Part 1 of article 1 of title 17, Colorado Revised
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
26 read:

27 **17-1-160. Appropriation to comply with section 2-2-703 - HB**

1 **06S-####.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING
2 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE
3 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 06S-____, ENACTED
4 AT THE FIRST EXTRAORDINARY SESSION OF THE SIXTY-FIFTH GENERAL
5 ASSEMBLY:

6 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION
7 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
8 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
9 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
10 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

11 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN
12 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
13 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
14 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
15 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

16 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION
17 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
18 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
19 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

20 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
21 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
22 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
23 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
24 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

25 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
26 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
27 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL

1 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

2 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN
3 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
4 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
5 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
6 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

7 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
8 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
9 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
10 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

11 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
12 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
13 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
14 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
15 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

16 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
17 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
18 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
19 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

20 **SECTION 4.** 24-75-302 (2) (s), (2) (t), (2) (u), (2) (v), and (2)
21 (w), Colorado Revised Statutes, are amended to read:

22 **24-75-302. Capital construction fund - capital assessment fees**
23 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
24 through July 1, 2010, a sum as specified in this subsection (2) shall accrue
25 to the capital construction fund. The state treasurer and the controller
26 shall transfer such sum out of the general fund and into the capital
27 construction fund as moneys become available in the general fund during

1 the fiscal year beginning on said July 1. Transfers between funds
2 pursuant to this subsection (2) shall not be deemed to be appropriations
3 subject to the limitations of section 24-75-201.1. The amount which shall
4 accrue pursuant to this subsection (2) shall be as follows:

5 (s) On July 1, 2006, forty-six million nine hundred forty-four
6 thousand six hundred eighty-seven dollars, plus twenty-two thousand nine
7 hundred twenty-four dollars pursuant to section 3 of H.B. 02S-1006,
8 enacted at the third extraordinary session of the sixty-third general
9 assembly; plus two hundred ninety-one thousand seven hundred sixty-one
10 dollars pursuant to H.B. 03-1004, enacted at the first regular session of
11 the sixty-fourth general assembly; plus one hundred twenty-five thousand
12 forty-one dollars pursuant to H.B. 03-1138, enacted at the first regular
13 session of the sixty-fourth general assembly; plus sixty-nine thousand
14 four hundred sixty-seven dollars pursuant to H.B. 03-1213, enacted at the
15 first regular session of the sixty-fourth general assembly; plus sixty-nine
16 thousand four hundred sixty-seven dollars pursuant to H.B. 03-1317,
17 enacted at the first regular session of the sixty-fourth general assembly;
18 plus ninety thousand three hundred seven dollars pursuant to H.B.
19 04-1021, enacted at the second regular session of the sixty-fourth general
20 assembly; plus sixty-nine thousand four hundred sixty-seven dollars
21 pursuant to H.B. 04-1016, enacted at the second regular session of the
22 sixty-fourth general assembly; plus fifteen million dollars pursuant to
23 H.B. 06-1373, enacted at the second regular session of the sixty-fifth
24 general assembly; plus one hundred seventy-four thousand three hundred
25 eighty-eight dollars pursuant to S.B. 06-206, enacted at the second regular
26 session of the sixty-fifth general assembly; plus one hundred seventy-four
27 thousand three hundred eighty-eight dollars pursuant to S.B. 06-207,

1 enacted at the second regular session of the sixty-fifth general assembly;
2 plus six hundred ten thousand three hundred fifty-eight dollars pursuant
3 to H.B. 06-1326, enacted at the second regular session of the sixty-fifth
4 general assembly; plus eighty-seven thousand one hundred ninety-four
5 dollars pursuant to H.B. 06-1145, enacted at the second regular session
6 of the sixty-fifth general assembly; plus four hundred thirty-five thousand
7 nine hundred seventy dollars pursuant to H.B. 06-1092, enacted at the
8 second regular session of the sixty-fifth general assembly; plus
9 eighty-seven thousand one hundred ninety-four dollars pursuant to H.B.
10 06-1151, enacted at the second regular session of the sixty-fifth general
11 assembly; plus five hundred twenty-three thousand one hundred
12 sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular
13 session of the sixty-fifth general assembly; PLUS _____ DOLLARS
14 PURSUANT TO H.B. 06S-_____, ENACTED AT THE FIRST EXTRAORDINARY
15 SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

16 (t) On July 1, 2007, four hundred sixteen thousand eight hundred
17 two dollars pursuant to H.B. 03-1004, enacted at the first regular session
18 of the sixty-fourth general assembly; plus fifty-five thousand five hundred
19 seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular
20 session of the sixty-fourth general assembly; plus thirteen thousand eight
21 hundred ninety-three dollars pursuant to H.B. 04-1021, enacted at the
22 second regular session of the sixty-fourth general assembly; plus
23 twenty-two million eight hundred eighty-five thousand three hundred
24 eighty-six dollars pursuant to H.B. 06-1373, enacted at the second regular
25 session of the sixty-fifth general assembly; plus two hundred nine
26 thousand two hundred sixty-six dollars pursuant to S.B. 06-206, enacted
27 at the second regular session of the sixty-fifth general assembly; plus two

1 hundred nine thousand two hundred sixty-six dollars pursuant to S.B.
2 06-207, enacted at the second regular session of the sixty-fifth general
3 assembly; plus six hundred ten thousand three hundred fifty-eight dollars
4 pursuant to H.B. 06-1326, enacted at the second regular session of the
5 sixty-fifth general assembly; plus sixty-nine thousand seven hundred
6 fifty-five dollars pursuant to H.B. 06-1151, enacted at the second regular
7 session of the sixty-fifth general assembly; plus five hundred twenty-three
8 thousand one hundred sixty-four dollars pursuant to H.B. 06-1011,
9 enacted at the second regular session of the sixty-fifth general assembly;
10 PLUS _____ DOLLARS PURSUANT TO H.B. 06S-_____, ENACTED AT THE
11 FIRST EXTRAORDINARY SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;
12 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven
13 dollars pursuant to H.B. 04-1021, enacted at the second regular session
14 of the sixty-fourth general assembly; plus three hundred ninety-two
15 thousand three hundred seventy-three dollars pursuant to S.B. 06-206,
16 enacted at the second regular session of the sixty-fifth general assembly;
17 plus three hundred ninety-two thousand three hundred seventy-three
18 dollars pursuant to S.B. 06-207, enacted at the second regular session of
19 the sixty-fifth general assembly; plus four hundred sixty-two thousand
20 one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the
21 second regular session of the sixty-fifth general assembly; plus twenty-six
22 thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145,
23 enacted at the second regular session of the sixty-fifth general assembly;
24 plus five hundred twenty-three thousand one hundred sixty-four dollars
25 pursuant to H.B. 06-1011, enacted at the second regular session of the
26 sixty-fifth general assembly; PLUS _____ DOLLARS PURSUANT TO H.B.
27 06S-_____, ENACTED AT THE FIRST EXTRAORDINARY SESSION OF THE

1 SIXTY-FIFTH GENERAL ASSEMBLY;

2 (v) On July 1, 2009, five hundred twenty-three thousand one
3 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
4 regular session of the sixty-fifth general assembly; plus five hundred
5 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
6 06-207, enacted at the second regular session of the sixty-fifth general
7 assembly; plus forty-three thousand five hundred ninety-seven dollars
8 pursuant to H.B. 06-1145, enacted at the second regular session of the
9 sixty-fifth general assembly; plus five hundred twenty-three thousand one
10 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
11 second regular session of the sixty-fifth general assembly; PLUS _____
12 DOLLARS PURSUANT TO H.B. 06S-_____, ENACTED AT THE FIRST
13 EXTRAORDINARY SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

14 (w) On July 1, 2010, five hundred twenty-three thousand one
15 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
16 regular session of the sixty-fifth general assembly; plus five hundred
17 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
18 06-207, enacted at the second regular session of the sixty-fifth general
19 assembly; plus forty-three thousand five hundred ninety-seven dollars
20 pursuant to S.B. 06-1145, enacted at the second regular session of the
21 sixty-fifth general assembly; plus five hundred twenty-three thousand one
22 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
23 second regular session of the sixty-fifth general assembly; PLUS _____
24 DOLLARS PURSUANT TO H.B. 06S-_____, ENACTED AT THE FIRST
25 EXTRAORDINARY SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY.

26 **SECTION 5. Effective date - applicability.** This act shall take
27 effect upon passage and shall apply to offenses committed on or after said

1 date.

2 **SECTION 6. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.