

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 12, 2024
Date

Committee on Judiciary.

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

SB24-035 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, strike lines 3 through 24.

2 Page 3, strike lines 1 through 6 and substitute:

3 "SECTION 1. In Colorado Revised Statutes, 16-1-104, **amend**
4 (8.5)(a)(I) as follows:

5 **16-1-104. Definitions.** (8.5) (a) (I) "Crime of violence" means a
6 crime in which the defendant used, or possessed and threatened the use
7 of, a deadly weapon during the commission or attempted commission of
8 any crime committed against an elderly person or a person with a
9 disability or a crime of murder, first or second degree assault, kidnapping,
10 sexual assault, robbery, first degree arson, first or second degree burglary,
11 escape, ~~or~~ criminal extortion, HUMAN TRAFFICKING FOR INVOLUNTARY
12 SERVITUDE OF AN ADULT OR A MINOR, OR HUMAN TRAFFICKING FOR
13 SEXUAL SERVITUDE OF AN ADULT OR A MINOR, or during the immediate
14 flight therefrom, or the defendant caused serious bodily injury or death to
15 any person, other than ~~himself or herself~~ TO THE DEFENDANT or another
16 participant, during the commission or attempted commission of ~~any such~~
17 THE felony or during the immediate flight therefrom.

18 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-406, **amend**
19 (2)(a)(II) introductory portion and (2)(a)(II)(J); and **add** (2)(a)(II)(L) and
20 (2)(a)(II)(M) as follows:

21 **18-1.3-406. Mandatory sentences for violent crimes -**
22 **definitions.** (2) (a) (II) ~~Subparagraph (I) of this paragraph (a)~~
23 SUBSECTION (2)(a)(I) OF THIS SECTION applies to the following crimes:

24 (J) Criminal extortion; ~~or~~

25 (L) HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN
26 ADULT OR A MINOR IN VIOLATION OF SECTION 18-3-503; OR

27 (M) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OF AN ADULT

1 OR A MINOR IN VIOLATION OF SECTION 18-3-504.

2 **SECTION 3.** In Colorado Revised Statutes, 18-3-503, **add** (3) as
3 follows:

4 **18-3-503. Human trafficking for involuntary servitude -**
5 **human trafficking of a minor for involuntary servitude.** (3) IT IS AN
6 AFFIRMATIVE DEFENSE TO A CHARGE PURSUANT TO THIS SECTION IF THE
7 PERSON BEING CHARGED, AT THE TIME OF THE OFFENSE, WAS A VICTIM OF
8 HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE WHO WAS FORCED OR
9 COERCED INTO ENGAGING IN HUMAN TRAFFICKING FOR INVOLUNTARY
10 SERVITUDE PURSUANT TO THIS SECTION.

11 **SECTION 4.** In Colorado Revised Statutes, 18-3-504, **amend**
12 (2.5) as follows:

13 **18-3-504. Human trafficking for sexual servitude - human**
14 **trafficking of a minor for sexual servitude.** (2.5) It is an affirmative
15 defense to a charge pursuant to ~~subsection (2)~~ of this section if the person
16 being charged, ~~can demonstrate by a preponderance of the evidence that,~~
17 ~~at the time of the offense, he or she~~ was a victim of human trafficking for
18 sexual servitude who was forced or coerced into engaging in ~~the~~ human
19 trafficking ~~of minors~~ for sexual servitude pursuant to ~~subsection (2)~~ of
20 this section."

21 Renumber succeeding sections accordingly.

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