

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-0459.01 Jane Ritter x4342

HOUSE BILL 17-1072

HOUSE SPONSORSHIP

Landgraf and Lawrence, Buck, Carver, Thurlow

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HUMAN TRAFFICKING FOR SEXUAL SERVITUDE.**

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://leg.colorado.gov/>.)

The bill amends the language defining the crime of human trafficking for sexual servitude to include "purchasing" another person or a minor for the purpose of coercing the person or minor to engage in commercial sexual activity. Current law requires a person convicted of human trafficking of a minor for sexual servitude to be placed on the Colorado sex offender registry; the bill extends that requirement to persons convicted of human trafficking of any person of any age.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-502, **add** (11.5)
3 as follows:

4 **18-3-502. Definitions.** As used in this part 5, unless the context
5 otherwise requires:

6 (11.5) "TRAVEL SERVICES" INCLUDES, BUT IS NOT LIMITED TO, THE
7 FOLLOWING SERVICES, OFFERED EITHER ON A WHOLESALE OR RETAIL
8 BASIS:

9 (a) TRANSPORTATION BY AIR, SEA, ROAD, OR RAIL;

10 (b) RELATED GROUND TRANSPORTATION;

11 (c) HOTEL ACCOMMODATIONS; OR

12 (d) PACKAGE TOURS.

13 **SECTION 2.** In Colorado Revised Statutes, 18-3-504, **amend**
14 (2)(a) as follows:

15 **18-3-504. Human trafficking for sexual servitude - human**
16 **trafficking of a minor for sexual servitude.** (2) (a) (I) A person who
17 knowingly sells, recruits, harbors, transports, transfers, isolates, entices,
18 provides, receives, obtains by any means, maintains, or makes available
19 a minor for the purpose of commercial sexual activity commits human
20 trafficking of a minor for sexual servitude.

21 (II) A PERSON WHO KNOWINGLY ADVERTISES, OFFERS TO SELL, OR
22 SELLS TRAVEL SERVICES THAT FACILITATE AN ACTIVITY PROHIBITED
23 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION COMMITS HUMAN
24 TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE.

25 **SECTION 3.** In Colorado Revised Statutes, 16-22-102, **amend**
26 the introductory portion; and **add** (9)(j.5) as follows:

1 **16-22-102. Definitions.** As used in this ~~article~~ ARTICLE 22, unless
2 the context otherwise requires:

3 (9) "Unlawful sexual behavior" means any of the following
4 offenses or criminal attempt, conspiracy, or solicitation to commit any of
5 the following offenses:

6 (j.5) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED
7 IN SECTION 18-3-504 (1);

8 **SECTION 4.** In Colorado Revised Statutes, 16-22-113, **add**
9 (1)(a.5) as follows:

10 **16-22-113. Petition for removal from registry.** (1) Except as
11 otherwise provided in subsection (3) of this section, any person required
12 to register pursuant to section 16-22-103 or whose information is required
13 to be posted on the internet pursuant to section 16-22-111 may file a
14 petition with the court that issued the order of judgment for the conviction
15 that requires the person to register for an order to discontinue the
16 requirement for such registration or internet posting, or both, as follows:

17 (a.5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1)(d),
18 (1)(e), AND (1)(f) OF THIS SECTION, IF THE OFFENSE THAT REQUIRED THE
19 PERSON TO REGISTER CONSTITUTED HUMAN TRAFFICKING FOR SEXUAL
20 SERVITUDE PURSUANT TO SECTION 18-3-504 (1)(a), UPON COMPLETION OF
21 THE PERSON'S SENTENCE AND HIS OR HER DISCHARGE FROM THE
22 DEPARTMENT OF CORRECTIONS, IF HE OR SHE WAS SENTENCED TO
23 INCARCERATION, OR DISCHARGE FROM THE DEPARTMENT OF HUMAN
24 SERVICES, IF HE OR SHE WAS COMMITTED TO SUCH DEPARTMENT, OR FINAL
25 RELEASE FROM THE JURISDICTION OF THE COURT FOR THE OFFENSE, IF THE
26 PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED OF UNLAWFUL SEXUAL
27 BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS

1 OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, THE PERSON MAY FILE
2 A PETITION WITH THE COURT PURSUANT TO SUBSECTION (2) OF THIS
3 SECTION. NOTWITHSTANDING ANY OTHER INFORMATION OBTAINED BY THE
4 COURT DURING THE HEARING OF THE PETITION, A COURT SHALL NOT ISSUE
5 AN ORDER DISCONTINUING THE PETITIONER'S DUTY TO REGISTER UNLESS
6 THE PETITIONER HAS AT LEAST ESTABLISHED BY A PREPONDERANCE OF THE
7 EVIDENCE THAT AT THE TIME HE OR SHE COMMITTED THE OFFENSE OF
8 HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, HE OR SHE HAD BEEN
9 TRAFFICKED BY ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-503 OR
10 18-3-504, FOR THE PURPOSE OF COMMITTING THE OFFENSE. FAILURE TO
11 MAKE THE REQUIRED SHOWING PURSUANT TO THIS SUBSECTION (1)(a.5)
12 REQUIRES THE PERSON TO COMPLY WITH THE PROVISIONS OF SUBSECTION
13 (1)(a) OF THIS SECTION FOR ANY SUBSEQUENT PETITION TO DISCONTINUE
14 THE PERSON'S DUTY TO REGISTER.

15 **SECTION 5. Effective date - applicability.** This act takes effect
16 September 1, 2017, and applies to offenses committed on or after said
17 date.

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