

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

**PREAMENDED**

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

LLS NO. 18-0635.01 Jane Ritter x4342

**SENATE BILL 18-084**

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**SENATE SPONSORSHIP**

**Kefalas,** Fields, Garcia, Martinez Humenik

**HOUSE SPONSORSHIP**

**Landgraf and Lundeen,**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ENHANCING PROTECTIONS FOR MINORS WHO ARE**  
102 **VICTIMS OF HUMAN TRAFFICKING.**

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**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 establishes legislation to further protect minors who are victims of human trafficking of a minor for involuntary servitude and human trafficking of a minor for sexual servitude (minor who is a victim of human trafficking). The term "sexually exploited minor" is clarified to include a person less than 18 years of age who has been a victim of human trafficking or has engaged in certain prostitution-related activities.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

A statutory presumption is established that any person who is less than 18 years of age who engages in conduct that would constitute prostitution if such person were an adult is presumed to be a minor who is a victim of human trafficking, and must be referred to the appropriate county department of human or social services for care and services.

The bill makes conforming amendments.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Human trafficking is a serious problem in Colorado and across  
5 the nation;

6 (b) Among the diverse populations affected by human trafficking,  
7 children and youth, especially homeless and runaway youth, are  
8 particularly at risk of being trafficked for sex and involuntary labor;

9 (c) Children and youth who are forced into involuntary servitude  
10 and commercial sexual activity are more properly identified as victims  
11 and not as criminals; and

12 (d) Human trafficking in all forms creates a cycle of violence and  
13 impacts victims, families, and communities.

14 (2) The general assembly further finds and declares that:

15 (a) As a result of the diverse systems that touch these children's  
16 and youth's lives, professionals in the child welfare, law enforcement,  
17 treatment, nonprofit, and faith-based communities must collaborate to  
18 develop a multidisciplinary approach to protect children and youth who  
19 are victims of human trafficking. This multidisciplinary approach needs  
20 to emphasize prevention, protection, prosecution, and partnerships.

21 (b) Protecting children and youth who are victims of human  
22 trafficking from further trauma by recognizing them as victims rather than

1 criminals is beneficial for the children and youth involved and therefore  
2 in the public interest.

3 (3) It is therefore the intent of the general assembly to:

4 (a) Offer pathways that direct victimized children and youth away  
5 from juvenile delinquency by making available to those children and  
6 youth appropriate and comprehensive rehabilitative services;

7 (b) Offer protection and provide consistency in the treatment,  
8 care, and support of children and youth who are victims of human  
9 trafficking so they may continue to heal from the traumatic environment  
10 of being trafficked in a restorative justice manner; and

11 (c) Help create a safe haven for children and youth who are  
12 victims of human trafficking to come forward without fear and identify  
13 their traffickers and perpetrators.

14 (4) Now, therefore, the general assembly joins the federal  
15 government and other states around the nation in passing legislation to  
16 further combat human trafficking and protect children and youth who are  
17 victims of human trafficking.

18 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, amend  
19 (1)(a) introductory portion, (1)(a)(VIII), and (71); and add (62.5) and  
20 (62.6) as follows:

21 **19-1-103. Definitions.** As used in this title 19 or in the specified  
22 portion of this title 19, unless the context otherwise requires:

23 (1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of  
24 article 3 of this title TITLE 19, means an act or omission in one of the  
25 following categories that threatens the health or welfare of a child:

26 (VIII) Any case in which a child is subjected to HUMAN  
27 TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, AS DESCRIBED

1 IN SECTION 18-3-503, OR human trafficking of a minor for sexual  
2 servitude, as described in section 18-3-504, C.R.S. SECTION 18-3-504(2).

3 (62.5) "HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY  
4 SERVITUDE" MEANS AN ACT AS DESCRIBED IN SECTION 18-3-503.

5 (62.6) "HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE"  
6 MEANS AN ACT AS DESCRIBED IN SECTION 18-3-504 (2).

7 (71) (a) "Juvenile delinquent", as used in article 2 of this title  
8 TITLE 19, means a juvenile who has been found guilty of a delinquent act.

9 (b) "JUVENILE DELINQUENT" DOES NOT INCLUDE A JUVENILE WHO  
10 IS ALLEGED TO HAVE COMMITTED A DELINQUENT ACT, AS DEFINED IN  
11 SUBSECTION (71)(c) OF THIS SECTION, WHILE A VICTIM OF:

12 (I) SEXUAL EXPLOITATION OF A CHILD, AS DESCRIBED IN SECTION  
13 18-6-403 (3):

14 (II) HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY  
15 SERVITUDE, AS DESCRIBED IN SECTION 18-3-503; OR

16 (III) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS  
17 DESCRIBED IN SECTION 18-3-504 (2).

18 (c) FOR THE PURPOSES OF SUBSECTION (71)(b) OF THIS SECTION  
19 ONLY, "DELINQUENT ACT" INCLUDES:

20 (I) ANY MISDEMEANOR OR DRUG MISDEMEANOR OFFENSE IF THE  
21 MISDEMEANOR OFFENSE IS NOT A CRIME DEFINED IN SECTION 24-4.1-302  
22 (1); OR

23 (II) ANY PETTY OR DRUG PETTY OFFENSE; OR

24 (III) ANY COMPARABLE MUNICIPAL ORDINANCE VIOLATION.

25 **SECTION 3.** In Colorado Revised Statutes, 18-3-504, amend  
26 (1)(a) and (2)(a); and add (2.7) as follows:

27 **18-3-504. Human trafficking for sexual servitude - human**

1 trafficking of a minor for sexual servitude - affirmative defense -  
2 immunity - definition. (1) (a) A person who COMMITS HUMAN  
3 TRAFFICKING FOR SEXUAL SERVITUDE IF HE OR SHE knowingly sells,  
4 recruits, harbors, transports, transfers, isolates, entices, provides, receives,  
5 or obtains by any means another person for the purpose of coercing the  
6 person to engage in commercial sexual activity. commits human  
7 trafficking for sexual servitude.

8 (2) (a) A person who COMMITS HUMAN TRAFFICKING OF A MINOR  
9 FOR SEXUAL SERVITUDE IF HE OR SHE:

10 (I) Knowingly sells, recruits, harbors, transports, transfers,  
11 isolates, entices, provides, receives, obtains by any means, maintains, or  
12 makes available a minor for the purpose of commercial sexual activity;  
13 commits human trafficking of a minor for sexual servitude. OR

14 (II) A person who Knowingly advertises, offers to sell, or sells  
15 travel services that facilitate an activity prohibited pursuant to subsection  
16 (2)(a)(I) of this section. commits human trafficking of a minor for sexual  
17 servitude.

18 (2.7) (a) A MINOR WHO IS ALLEGED TO HAVE COMMITTED CERTAIN  
19 DELINQUENT ACTS, AS DEFINED IN SUBSECTION (2.7)(b) OF THIS SECTION,  
20 IS IMMUNE FROM CRIMINAL LIABILITY OR ANY DELINQUENCY PROCEEDING  
21 FOR SUCH DELINQUENT ACT IF THE ALLEGED DELINQUENT ACT OCCURRED  
22 WHILE THE MINOR WAS A VICTIM OF:

23 (I) SEXUAL EXPLOITATION OF A CHILD, AS DESCRIBED IN SECTION  
24 18-6-403 (3);

25 (II) HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY  
26 SERVITUDE, AS DESCRIBED IN SECTION 18-3-503; OR

27 (III) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS

1 DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

2 (b) FOR THE PURPOSES OF THIS SUBSECTION (2.7) ONLY,

3 "DELINQUENT ACT" INCLUDES:

4 (I) ANY MISDEMEANOR OR DRUG MISDEMEANOR OFFENSE IF THE

5 MISDEMEANOR OFFENSE IS NOT A CRIME DEFINED IN SECTION 24-4.1-302

6 (1); OR

7 (II) ANY PETTY OR DRUG PETTY OFFENSE; OR

8 (III) ANY COMPARABLE MUNICIPAL ORDINANCE VIOLATION.

9 (c) FOR A DELINQUENT ACT OR ACTS FOR WHICH A MINOR IS

10 GRANTED IMMUNITY PURSUANT TO THIS SUBSECTION (2.7), THE

11 PROSECUTOR SHALL REFRAIN FROM FILING DELINQUENCY OR ANY OTHER

12 CRIMINAL PROCEEDINGS AGAINST THE MINOR WHEN IT IS DETERMINED BY

13 THE PROSECUTION, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE

14 ALLEGED DELINQUENT ACT OR ACTS OCCURRED WHILE THE MINOR WAS A

15 VICTIM OF ANY CRIME ENUMERATED IN SUBSECTIONS (2.7)(a)(I) TO

16 (2.7)(a)(III) OF THIS SECTION.

17 (d) IF A MINOR IS CHARGED IN DELINQUENCY OR OTHER CRIMINAL

18 PROCEEDINGS, THE MINOR MAY ASSERT, AT ANY TIME PRIOR TO TRIAL,

19 THAT HE OR SHE IS ENTITLED TO IMMUNITY PURSUANT TO THE PROVISIONS

20 OF SUBSECTION (2.7)(a) OF THIS SECTION. THE MINOR SHALL

21 DEMONSTRATE BY A PREPONDERANCE OF THE EVIDENCE THAT HE OR SHE

22 ENGAGED IN THE CONDUCT ALLEGED IN THE DELINQUENCY OR OTHER

23 CRIMINAL PROCEEDING WHILE HE OR SHE WAS A VICTIM OF ANY CRIME

24 ENUMERATED IN SUBSECTIONS (2.7)(a)(I) TO (2.7)(a)(III) OF THIS SECTION.

25 THE MINOR IS ENTITLED TO A PRETRIAL DETERMINATION OF STATUTORY

26 IMMUNITY WITHIN THIRTY DAYS OF THE FILING OF THE MOTION. IF DENIED

27 BY THE COURT, THE MINOR MAY RAISE AN IMMUNITY DEFENSE OR AN

1 AFFIRMATIVE DEFENSE.

2 **SECTION 4.** In Colorado Revised Statutes, 18-7-201, **amend** (1)  
3 as follows:

4 **18-7-201. Prostitution prohibited.** (1) Any person, EIGHTEEN  
5 YEARS OF AGE OR OLDER, who performs or offers or agrees to perform any  
6 act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal  
7 intercourse with any person not his OR HER spouse in exchange for money  
8 or other thing of value commits prostitution.

9 **SECTION 5.** In Colorado Revised Statutes, 18-7-202, **amend** (1)  
10 introductory portion as follows:

11 **18-7-202. Soliciting for prostitution.** (1) A person ANY PERSON,  
12 EIGHTEEN YEARS OF AGE OR OLDER, commits soliciting for prostitution if  
13 he OR SHE:

14 **SECTION 6.** In Colorado Revised Statutes, **amend** 18-7-207 as  
15 follows:

16 **18-7-207. Prostitute making display.** Any person, EIGHTEEN  
17 YEARS OF AGE OR OLDER, who by word, gesture, or action endeavors to  
18 further the practice of prostitution in any public place or within public  
19 view commits a class 1 petty offense.

20 **SECTION 7.** In Colorado Revised Statutes, **add** 18-7-201.4 as  
21 follows:

22 **18-7-201.4. Presumption of victim of human trafficking of a**  
23 **minor for sexual servitude - provision of services - reporting.** (1) ANY  
24 PERSON LESS THAN EIGHTEEN YEARS OF AGE WHO ENGAGES IN CONDUCT  
25 THAT WOULD CONSTITUTE AN OFFENSE PURSUANT TO SECTION 18-7-201,  
26 18-7-202, 18-7-207, OR 18-3-504 IF SUCH PERSON WERE AN ADULT MUST  
27 BE REFERRED TO THE APPROPRIATE COUNTY DEPARTMENT OF HUMAN OR

1 SOCIAL SERVICES OR THE CHILD WELFARE HOTLINE CREATED PURSUANT TO  
2 SECTION 26-5-111.

3 (2) IF A LAW ENFORCEMENT OFFICER ENCOUNTERS A PERSON WHO  
4 IS LESS THAN EIGHTEEN YEARS OF AGE WHO IS ALLEGED TO HAVE  
5 COMMITTED ANY DELINQUENCY OFFENSE AND THERE IS PROBABLE CAUSE  
6 TO BELIEVE THAT SUCH PERSON IS A VICTIM OF HUMAN TRAFFICKING OF A  
7 MINOR FOR SEXUAL SERVITUDE PURSUANT TO SECTION 18-3-504 (2), THE  
8 LAW ENFORCEMENT OFFICER OR COUNTY DEPARTMENT OF HUMAN OR  
9 SOCIAL SERVICES SHALL:

10 (a) IMMEDIATELY REPORT A SUSPECTED VIOLATION OF HUMAN  
11 TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE TO THE APPROPRIATE  
12 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES OR THE CHILD  
13 WELFARE HOTLINE CREATED PURSUANT TO SECTION 26-5-111. THE  
14 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL  
15 SUBSEQUENTLY FOLLOW THE REPORTING REQUIREMENTS SET FORTH IN  
16 SECTION 19-3-308 (4)(c).

17 (b) WITHIN A REASONABLE TIME FRAME, CONTACT OR CAUSE TO  
18 BE CONTACTED, IN WRITING:

19 (I) THE PERSON'S GUARDIAN AD LITEM, AS DEFINED IN SECTION  
20 13-91-103 (4), IF A GUARDIAN AD LITEM HAS BEEN APPOINTED BY THE  
21 COURT;

22 (II) A COURT-APPOINTED SPECIAL ADVOCATE, AS DEFINED IN  
23 SECTION 13-91-103 (3), IF ONE HAS BEEN APPOINTED BY THE COURT; OR

24 (III) A SPECIALIZED VICTIM'S ADVOCATE, AS DEFINED IN SECTION  
25 13-90-107 (1)(k)(II) OR OTHER CHILD ADVOCATE PROVIDED BY THE  
26 JURISDICTION; AND

27 (c) IMMEDIATELY IMPOSE THE PRESUMPTION THAT THE PERSON IS

1 A VICTIM OF HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE AS  
2 SET FORTH IN SUBSECTION (1) OF THIS SECTION AND NOTIFY THE PERSON'S  
3 ATTORNEY, IN WRITING, IF ANY, THAT HE OR SHE MAY BE A VICTIM OF  
4 HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE.

5 **SECTION 8. Act subject to petition - effective date.** This act  
6 takes effect January 1, 2019; except that, if a referendum petition is filed  
7 pursuant to section 1 (3) of article V of the state constitution against this  
8 act or an item, section, or part of this act within the ninety-day period  
9 after final adjournment of the general assembly, then the act, item,  
10 section, or part will not take effect unless approved by the people at the  
11 general election to be held in November 2018 and, in such case, will take  
12 effect on January 1, 2019, or on the date of the official declaration of the  
13 vote thereon by the governor, whichever is later.