

## CHAPTER 147

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 18-055**

BY SENATOR(S) Neville T., Aguilar, Baumgardner, Cooke, Court, Crowder, Donovan, Fields, Garcia, Gardner, Holbert, Jahn, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Priola, Scott, Smallwood, Sonnenberg, Tate, Todd, Williams A., Zenzinger, Grantham;  
also REPRESENTATIVE(S) Van Winkle and Hooton, Ransom, Arndt, Bridges, Buck, Coleman, Covarrubias, Danielson, Esgar, Exum, Ginal, Gray, Hamner, Hansen, Herod, Humphrey, Kennedy, Kraft-Tharp, Lee, Lontine, Lundeen, McLachlan, Melton, Michaelson Jenet, Pettersen, Roberts, Rosenthal, Salazar, Sias, Singer, Valdez, Wilson, Winkler, Wist, Young, Duran.

**AN ACT****CONCERNING THE CRIMES AGAINST CHILDREN SURCHARGE IN CASES INVOLVING TRAFFICKING OF CHILDREN.**

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

**SECTION 1.** In Colorado Revised Statutes, 18-24-102, **amend** (2) introductory portion and (2)(a); and **add** (3) as follows:

**18-24-102. Surcharge.** (2) Surcharges pursuant to subsection (1) of this section ~~shall be~~ ARE in the following amounts:

(a) For each class 2 felony of which a person is convicted, EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, one thousand five hundred dollars;

(3) FOR THE PURPOSES OF SUBSECTION (2)(a) OF THIS SECTION, IF THE CLASS 2 FELONY OF WHICH THE PERSON IS CONVICTED IS FOR HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, OR FOR HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, THEN THE PERSON IS REQUIRED TO PAY A SURCHARGE IN THE AMOUNT OF THREE THOUSAND DOLLARS.

**SECTION 2.** In Colorado Revised Statutes, 18-24-103, **amend** (3) as follows:

**18-24-103. Collection and distribution of funds - child abuse investigation surcharge fund - creation.** (3) The court may waive all or any portion of the

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

surcharge required by section 18-24-102 if the court finds that a person convicted of a crime against a child is indigent or financially unable to pay all or any portion of the surcharge. The court may waive only that portion of the surcharge that the court finds that the person convicted of a crime against a child is financially unable to pay. IN CASES WHERE AN OFFENDER IS REQUIRED TO PAY A SURCHARGE AS DESCRIBED IN SECTION 18-24-102 (3), THE COURT IS ENCOURAGED TO DELAY ANY FINDING OF INDIGENCE UNTIL SIX MONTHS AFTER THE OFFENDER'S CONVICTION, AT WHICH TIME THE COURT MAY REQUIRE THE OFFENDER OR THE OFFENDER'S COUNSEL TO SUBMIT DOCUMENTS THAT SUBSTANTIATE THE OFFENDER'S INDIGENCE. THE DOCUMENTS MAY INCLUDE DOCUMENTS ESTABLISHING INCOME.

**SECTION 3.** In Colorado Revised Statutes, 18-24-101, **amend** the introductory portion, (2)(f), and (2)(g); and **add** (2)(h) as follows:

**18-24-101. Definitions.** As used in this ~~article~~ ARTICLE 24, unless the context otherwise requires:

(2) "Crime against a child" means any offense listed in section 18-3-411, or criminal attempt, conspiracy, or solicitation to commit any of those offenses, and any of the following offenses, or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(f) Invasion of privacy for sexual gratification, in violation of section 18-3-405.6, when the victim is a child; ~~or~~

(g) Human trafficking of a minor for involuntary servitude, in violation of section 18-3-503; OR

(h) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, IN VIOLATION OF SECTION 18-3-504.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 23, 2018