

CHAPTER 148

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 22-1288

BY REPRESENTATIVE(S) Titone and Soper, Bacon, Benavidez, Boesenecker, Lynch, Van Beber, Woodrow, Bennett, Bird, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Herod, Hooton, Kipp, Lindsay, Lontine, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Sirota, Tipper, Valdez A., Weissman, Garnett;
also SENATOR(S) Smallwood and Fields, Buckner, Donovan, Gonzales, Jaquez Lewis, Kolker, Lee, Moreno, Fenberg.

AN ACT

CONCERNING INCREASING ACCESS TO ASSISTANCE FOR VICTIMS BY PROVIDING IMMUNITY FROM PROSECUTION FOR THE OFFENSE OF PROSTITUTION IN SPECIFIC CIRCUMSTANCES.

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

SECTION 1. In Colorado Revised Statutes, **add** 18-1-712.5 as follows:

18-1-712.5. Immunity for sex workers and persons who are victims of human trafficking for sexual servitude and who suffer or report an assault - definition. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PERSON" MEANS:

(a) A PERSON WHO IS THE VICTIM OF AN OFFENSE SET FORTH IN SUBSECTION (3) OF THIS SECTION;

(b) A PERSON WHO IS A VICTIM OF HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE PURSUANT TO SECTION 18-3-504; OR

(c) A WITNESS TO AN OFFENSE SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(2) A PERSON IS IMMUNE FROM ARREST AND PROSECUTION FOR PROSTITUTION AS DESCRIBED IN SECTION 18-7-201, SOLICITING FOR PROSTITUTION AS DESCRIBED IN SECTION 18-7-202, AND A PROSTITUTE MAKING DISPLAY AS DESCRIBED IN SECTION 18-7-207, IF THE PERSON SEEKS ASSISTANCE FROM A LAW ENFORCEMENT OFFICER, THE 911 SYSTEM, OR A MEDICAL PROVIDER AND IF THE EVIDENCE FOR THE CHARGE OF PROSTITUTION, SOLICITING PROSTITUTION, OR A PROSTITUTE MAKING DISPLAY WAS OBTAINED AS A RESULT OF THE PERSON SEEKING ASSISTANCE, AS A RESULT OF

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THE NEED FOR ASSISTANCE, OR AS A RESULT OF THE REPORTING OF ASSISTANCE. THIS SUBSECTION (2) ALSO APPLIES TO EQUIVALENT MUNICIPAL CHARGES AND ARRESTS.

(3) A PERSON WHO IS A VICTIM OF ONE OF THE FOLLOWING OFFENSES, OR A PERSON WHO WITNESSES ONE OF THE FOLLOWING OFFENSES, QUALIFIES FOR THE IMMUNITY FROM PROSTITUTION CHARGES AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION:

- (a) MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102;
- (b) MURDER IN THE SECOND DEGREE, AS DESCRIBED IN SECTION 18-3-103;
- (c) MANSLAUGHTER, AS DESCRIBED IN SECTION 18-3-104;
- (d) CRIMINALLY NEGLIGENT HOMICIDE, AS DESCRIBED IN SECTION 18-3-105;
- (e) VEHICULAR HOMICIDE, AS DESCRIBED IN SECTION 18-3-106;
- (f) ASSAULT IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-202;
- (g) ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN SECTION 18-3-203;
- (h) ASSAULT IN THE THIRD DEGREE, AS DESCRIBED IN SECTION 18-3-204;
- (i) VEHICULAR ASSAULT, AS DESCRIBED IN SECTION 18-3-205;
- (j) MENACING, AS DESCRIBED IN SECTION 18-3-206;
- (k) CRIMINAL EXTORTION OR AGGRAVATED EXTORTION, AS DESCRIBED IN SECTION 18-3-207;
- (l) RECKLESS ENDANGERMENT, AS DESCRIBED IN SECTION 18-3-208;
- (m) FIRST DEGREE KIDNAPPING, AS DESCRIBED IN SECTION 18-3-301;
- (n) SECOND DEGREE KIDNAPPING, AS DESCRIBED IN SECTION 18-3-302;
- (o) FALSE IMPRISONMENT, AS DESCRIBED IN SECTION 18-3-303;
- (p) ENTICEMENT OF A CHILD, AS DESCRIBED IN SECTION 18-3-305;
- (q) INTERNET LURING OF A CHILD, AS DESCRIBED IN SECTION 18-3-306;
- (r) SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402;
- (s) UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION 18-3-404;
- (t) SEXUAL ASSAULT ON A CHILD, AS DESCRIBED IN SECTION 18-3-405;
- (u) HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OR HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503;

(v) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OR HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504; OR

(w) STALKING, AS DESCRIBED IN SECTION 18-3-602.

(4) THE IMMUNITY DESCRIBED IN SUBSECTION (2) OF THIS SECTION FOR THE OFFENSE OF PROSTITUTION IS NOT GROUNDS FOR SUPPRESSION OF EVIDENCE IN OTHER CRIMINAL CHARGES. NOTHING IN THIS SECTION PROHIBITS THE PROSECUTION OF A PERSON FOR OFFENSES OTHER THAN THOSE LISTED IN SUBSECTION (2) OF THIS SECTION, OR TO LIMIT THE ABILITY OF A DISTRICT ATTORNEY OR LAW ENFORCEMENT OFFICER TO OBTAIN OR USE EVIDENCE FROM A REPORT, RECORDING, OR ANY OTHER STATEMENT PROVIDED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO PROSECUTE AN OFFENSE OTHER THAN THOSE LISTED IN SUBSECTION (2) OF THIS SECTION. NOTHING IN THIS SECTION PROHIBITS THE PROVISION OF IMMUNITY PURSUANT TO OTHER SECTIONS OF LAW, AS APPLICABLE, INCLUDING SECTION 18-1-711.

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

Approved: May 2, 2022