

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0331.01 Michael Dohr x4347

SENATE BILL 24-035

SENATE SPONSORSHIP

Pelton B. and Fields, Baisley, Buckner, Coleman, Cutter, Danielson, Exum, Gardner, Ginal, Hinrichsen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Mullica, Pelton R., Priola, Rich, Roberts, Simpson, Smallwood, Van Winkle, Will, Winter F., Zenzinger

HOUSE SPONSORSHIP

Winter T. and Duran,

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING STRENGTHENING THE ENFORCEMENT OF HUMAN**
102 **TRAFFICKING FOR 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>.)

Under current law, "crimes of violence" are subject to enhanced sentencing. The bill adds human trafficking of an adult or a minor for the purpose of involuntary servitude and human trafficking of an adult or a minor for sexual servitude to the list of crimes of violence that are subject to enhanced sentencing. The bill makes the statute of limitations for human trafficking of an adult or a minor for the purpose of involuntary

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

SENATE
3rd Reading Unamended
February 28, 2024

SENATE
Amended 2nd Reading
February 27, 2024

servitude and human trafficking of an adult for sexual servitude 20 years. The bill does not change the unlimited statute of limitations for human trafficking for sexual servitude of a minor.

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

2
3 **SECTION 1.** In Colorado Revised Statutes, 18-3-503, **add (3)** as
4 follows:

5 **18-3-503. Human trafficking for involuntary servitude -**
6 **human trafficking of a minor for involuntary servitude.** (3) IF A
7 DEFENDANT IS CONVICTED PURSUANT TO SUBSECTION (1) OF THIS SECTION,
8 THE COURT SHALL SENTENCE THE DEFENDANT IN ACCORDANCE WITH THE
9 PROVISIONS OF SECTION 18-1.3-406.

10 **SECTION 2.** In Colorado Revised Statutes, 18-3-504, **amend**
11 (1)(b) (2)(b), and (2.5) as follows:

12 **18-3-504. Human trafficking for sexual servitude - human**
13 **trafficking of a minor for sexual servitude.** (1) (b) Human trafficking
14 for sexual servitude is a class 3 felony. IF A DEFENDANT IS CONVICTED
15 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE COURT SHALL
16 SENTENCE THE DEFENDANT IN ACCORDANCE WITH THE PROVISIONS OF
17 SECTION 18-1.3-406.

18 (2) (b) Human trafficking of a minor for sexual servitude is a class
19 2 felony. The court shall sentence a person convicted of such a class 2
20 felony to the department of corrections for a term of at least the minimum
21 of the presumptive range for a class 2 felony, as set forth in section
22 18-1.3-401. IF A DEFENDANT IS CONVICTED PURSUANT TO SUBSECTION
23 (2)(a) OF THIS SECTION, THE COURT SHALL SENTENCE THE DEFENDANT IN
24 ACCORDANCE WITH THE PROVISIONS OF SECTION 18-1.3-406.

1 (2.5) It is an affirmative defense to a charge pursuant to
2 subsection (2) of this section if the person being charged can demonstrate
3 by a preponderance of the evidence that, at the time of the offense, he or
4 she was a victim of human trafficking for sexual servitude who was
5 forced or coerced into engaging in the human trafficking of minors for
6 sexual servitude pursuant to subsection (2) of this section.

7 **SECTION 3.** In Colorado Revised Statutes, 16-5-401, **amend** (6),
8 (8)(a) introductory portion, (8)(a.3) introductory portion, (8)(a.5)
9 introductory portion, (8)(a.7)(I), and (8)(a.7)(II) as follows:

10 **16-5-401. Limitation for commencing criminal proceedings,**
11 **civil infraction proceedings, and juvenile delinquency proceedings -**
12 **definitions.** (6) Except as otherwise provided in ~~paragraph (a) of~~
13 ~~subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses
14 against children, ~~or~~ felony sexual assault in violation of section 18-3-402,
15 ~~C.R.S.~~, HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT
16 OR A MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING
17 FOR SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504
18 (1), the period of time during which an adult person or juvenile may be
19 prosecuted ~~shall be~~ IS extended for an additional seven years as to any
20 offense or delinquent act charged under section 18-6-403 ~~C.R.S.~~, or
21 charged as criminal attempt, conspiracy, or solicitation to commit any of
22 the acts specified in said sections.

23 (8) (a) Except as otherwise provided in ~~paragraph (a) of~~
24 ~~subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses
25 against children, ~~or~~ felony sexual assault in violation of section 18-3-402,
26 ~~C.R.S.~~, HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT
27 OR A MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING

1 FOR SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504
2 (1), and except as otherwise provided in ~~paragraphs (a.3) and (a.5) of this~~
3 ~~subsection (8)~~ SUBSECTIONS (8)(a.3) AND (8)(a.5) OF THIS SECTION, the
4 period of time during which an adult person or juvenile may be
5 prosecuted ~~shall be~~ IS ten years after the commission of the offense or
6 delinquent act as to any offense or delinquent act:

7 (a.3) Except as otherwise provided in ~~paragraph (a) of subsection~~
8 ~~(1)~~ SUBSECTION (1)(a) of this section concerning sex offenses against
9 children, ~~or~~ felony sexual assault in violation of section 18-3-402, ~~C.R.S.~~;
10 HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT OR A
11 MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING FOR
12 SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF 18-3-504 (1), if the
13 victim at the time of the commission of an offense or delinquent act is a
14 child under eighteen years of age, the period of time during which an
15 adult person or juvenile may be prosecuted ~~shall be~~ IS ten years after ~~such~~
16 THE victim reaches the age of eighteen years as to any offense or
17 delinquent act:

18 (a.5) Except as otherwise provided in ~~paragraph (a) of subsection~~
19 ~~(1)~~ SUBSECTION (1)(a) of this section concerning sex offenses against
20 children, ~~or~~ felony sexual assault in violation of section 18-3-402, ~~C.R.S.~~;
21 HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT OR A
22 MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING FOR
23 SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504 (1),
24 in any case in which the identity of the defendant or juvenile is
25 determined, in whole or in part, by patterned chemical structure of genetic
26 information, and in which the offense has been reported to a law
27 enforcement agency, as defined in section 26-1-114 (3)(a)(III)(B), ~~C.R.S.~~;

1 within ten years after the commission of the offense, there shall be IS no
2 limit on the period of time during which a person may be prosecuted after
3 the commission of the offense as to any offense or delinquent act charged:

4 (a.7) (I) Except as otherwise provided in ~~paragraph (a) of~~
5 ~~subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses
6 against children and except as otherwise provided in ~~paragraphs (a.3) and~~
7 ~~(a.5) of this subsection (8)~~ SUBSECTIONS (8)(a.3) AND (8)(a.5) OF THIS
8 SECTION, the period of time during which an adult person or juvenile may
9 be prosecuted shall be IS twenty years after the commission of the offense
10 or delinquent act as to any offense or delinquent act charged as a felony
11 under section 18-3-402, ~~C.R.S.~~, 18-3-503, OR 18-3-504 (1), or as criminal
12 attempt, conspiracy, or solicitation to commit a felony under section
13 18-3-402, ~~C.R.S.~~ 18-3-503, OR 18-3-504 (1).

14 (II) Except as otherwise provided in ~~paragraph (a) of subsection~~
15 ~~(1)~~ SUBSECTION (1)(a) of this section concerning sex offenses against
16 children, if the victim at the time of the commission of an offense or
17 delinquent act is a child under eighteen years of age, the period of time
18 during which an adult person or juvenile may be prosecuted shall be IS
19 twenty years after ~~such~~ THE victim reaches eighteen years of age as to any
20 offense or delinquent act charged as a felony under section 18-3-402,
21 ~~C.R.S.~~, 18-3-503, OR 18-3-504 (1), or as criminal attempt, conspiracy, or
22 solicitation to commit a felony under section 18-3-402, ~~C.R.S.~~, 18-3-503,
23 OR 18-3-504 (1).

24 **SECTION 4. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.