

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 24-0575.01 Michael Dohr x4347

HOUSE BILL 24-1345

HOUSE SPONSORSHIP

Weissman and Soper,

SENATE SPONSORSHIP

Fields,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE HUMAN TRAFFICKING COUNCIL, AND, IN**
102 **CONNECTION THEREWITH, IMPLEMENTING THE**
103 **RECOMMENDATION CONTAINED IN THE 2023 SUNSET REPORT BY**
104 **THE DEPARTMENT OF REGULATORY AGENCIES AND**
105 **IMPLEMENTING CERTAIN RECOMMENDATIONS BY THE HUMAN**
106 **TRAFFICKING COUNCIL.**

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/>.)

Sunset Process - House Judiciary Committee. The bill

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.

implements the recommendation of the department of regulatory agencies in its sunset review of the human trafficking council by continuing the council indefinitely.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1203, **repeal**
3 (15)(a)(VIII) as follows:

4 **2-3-1203. Sunset review of advisory committees - legislative**
5 **declaration - definition - repeal.** (15) (a) The following statutory
6 authorizations for the designated advisory committees are scheduled for
7 repeal on September 1, 2024:

8 (VIII) ~~The Colorado human trafficking council created in section~~
9 ~~18-3-505;~~

10 **SECTION 2.** In Colorado Revised Statutes, 18-3-505, **repeal** (6)
11 as follows:

12 **18-3-505. Human trafficking council - created - duties.**
13 ~~(6) This section is repealed, effective September 1, 2024. Before repeal,~~
14 ~~the department of regulatory agencies shall review the council pursuant~~
15 ~~to section 2-3-1203.~~

16 **SECTION 3.** In Colorado Revised Statutes, 18-3-505, **amend**
17 (3)(a) as follows:

18 **18-3-505. Human trafficking council - created - duties - repeal.**
19 (3) (a) Except as provided by subsection (3)(b) of this section, each
20 council member must serve at the pleasure of his or her appointing
21 authority for a term of four years. The appointing authority may reappoint
22 the council member for an additional term or terms. Council members
23 must serve without compensation **but WITH THE EXCEPTION OF THE**
24 **APPOINTED SURVIVOR COUNCIL MEMBERS WHO MUST RECEIVE AN HOURLY**

1 RATE FOR THE TIME FOR EACH COUNCIL MEETING ATTENDED, NOT TO
2 EXCEED EIGHT HOURS PER MEETING AT THE CURRENT APPLICABLE EXPERT
3 RATE AS STATED IN CHIEF JUSTICE DIRECTIVE 12-03. ALL COUNCIL
4 MEMBERS may be reimbursed for actual travel expenses incurred in the
5 performance of their duties.

6 **SECTION 4.** In Colorado Revised Statutes, 24-30-2102, **amend**
7 (1) and (1.5) as follows:

8 **24-30-2102. Legislative declaration.** (1) The general assembly
9 finds and declares that a person attempting to escape from actual or
10 threatened domestic violence, a sexual offense, HUMAN TRAFFICKING, or
11 stalking frequently moves to a new address in order to prevent an
12 assailant or potential assailant from finding the victim. This new address,
13 however, is only useful if an assailant or potential assailant does not
14 discover it. Additionally, people involved in the provision of reproductive
15 health care are at a heightened risk of actual or threatened violence,
16 stalking, or other social harms.

17 (1.5) Therefore, in order to help victims of domestic violence, a
18 sexual offense, HUMAN TRAFFICKING, or stalking, and to assist and protect
19 individuals involved in the provision of reproductive health care, it is the
20 intent of the general assembly to establish an address confidentiality
21 program, whereby the confidentiality of a victim's or an individual
22 involved in the provision of reproductive health care's address may be
23 maintained through, among other things, the use of a substitute address
24 for purposes of public records and confidential mail forwarding.

25 **SECTION 5.** In Colorado Revised Statutes, 24-30-2103, **amend**
26 (2); and **add** (7.5) as follows:

27 **24-30-2103. Definitions.** As used in this part 21, unless the

1 context otherwise requires:

2 (2) "Address confidentiality program" or "program" means the
3 program created under this part 21 in the department to protect the
4 confidentiality of the actual address of a relocated protected health-care
5 worker or a relocated victim of domestic violence, a sexual offense,
6 HUMAN TRAFFICKING, or stalking.

7 (7.5) "HUMAN TRAFFICKING" MEANS AN ACT DESCRIBED IN
8 SECTION 18-3-503 OR 18-3-504.

9 **SECTION 6.** In Colorado Revised Statutes, 24-30-2104, amend
10 (1) introductory portion and (4)(a) as follows:

11 **24-30-2104. Address confidentiality program - creation -**
12 **substitute address - uses - service by mail - application assistance**
13 **centers.** (1) There is created the address confidentiality program in the
14 department to protect the confidentiality of the actual address of a
15 relocated protected health-care worker or a relocated victim of domestic
16 violence, a sexual offense, HUMAN TRAFFICKING, or stalking and to
17 prevent the victim's assailants or potential assailants from finding the
18 victim through public records. Under the program, the executive director
19 or the executive director's designee shall:

20 (4) The executive director or the executive director's designee may
21 designate as an application assistant any person who:

22 (a) Provides counseling, referral, or other services to victims of
23 domestic violence, a sexual offense, HUMAN TRAFFICKING, or stalking, if
24 applicable;

25 **SECTION 7.** In Colorado Revised Statutes, 24-30-2105, amend
26 (3)(b), (3)(c) introductory portion, (3)(c)(IV), and (3)(h) as follows:

27 **24-30-2105. Filing and certification of applications -**

1 **authorization card.** (3) The application must be on a form prescribed by
2 the executive director or the executive director's designee and must
3 contain the following:

4 (b) A statement by the applicant that the applicant is a victim of
5 domestic violence, a sexual offense, HUMAN TRAFFICKING, or stalking and
6 that the applicant fears for the applicant's safety, if applicable;

7 (c) Evidence that the applicant is a victim of domestic violence,
8 a sexual offense, HUMAN TRAFFICKING, or stalking, if applicable. This
9 evidence may include any of the following:

10 (IV) Documentation from a religious, medical, or other
11 professional from whom the applicant has sought assistance in dealing
12 with the alleged domestic violence, sexual offense, HUMAN TRAFFICKING,
13 or stalking.

14 (h) The actual address that the applicant requests not to be
15 disclosed by the executive director or the executive director's designee
16 that directly relates to the increased risk of domestic violence, a sexual
17 offense, HUMAN TRAFFICKING, or stalking, or increased risk of actual or
18 threatened violence, stalking, HUMAN TRAFFICKING, or other social harms
19 due to the provision of a legally protected health-care activity, as defined
20 in section 12-30-121 (1)(d);

21 **SECTION 8.** In Colorado Revised Statutes, 24-30-2112, **amend**
22 (2) as follows:

23 **24-30-2112. Participation in the program - orders relating to**
24 **allocation of parental responsibilities or parenting time.** (2) Program
25 participation does not constitute evidence of domestic violence, a sexual
26 offense, HUMAN TRAFFICKING, or stalking and shall not be considered for
27 purposes of making an order allocating parental responsibilities or

1 parenting time; except that a court may consider practical measures to
2 keep a program participant's actual address confidential when making an
3 order allocating parental responsibilities or parenting time.

4 **SECTION 9.** In Colorado Revised Statutes, 24-30-2114, **amend**
5 (2)(c); and add (2)(a.5) and (2)(a.6) as follows:

6 **24-30-2114. Surcharge - collection and distribution - address**
7 **confidentiality program surcharge fund - creation - definitions.**

8 (2) The following crimes shall be subject to the surcharge set forth in
9 subsection (1) of this section:

10 (a.5) HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OR
11 HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE IN
12 VIOLATION OF SECTION 18-3-503;

13 (a.6) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OR HUMAN
14 TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE IN VIOLATION OF
15 SECTION 18-3-504;

16 (c) Criminal attempt, conspiracy, or solicitation to commit the
17 crimes set forth in ~~paragraphs (a) and (b)~~ SUBSECTIONS (2)(a), (2)(a.5),
18 (2)(a.6), AND (2)(b) of this ~~subsection (2)~~ SECTION.

19 **SECTION 10.** In Colorado Revised Statutes, **add** 18-1-410.7 as
20 follows:

21 **18-1-410.7. Vacating certain criminal convictions for victims**
22 **of human trafficking.** (1) (a) AN INDIVIDUAL MAY FILE A MOTION WITH
23 THE COURT WHERE A CONVICTION WAS OBTAINED AGAINST THE
24 INDIVIDUAL REQUESTING THAT THE CONVICTION BE VACATED IF THE
25 UNDERLYING OFFENSE RESULTING IN THE CONVICTION WAS COMMITTED AS
26 A RESULT OF THE INDIVIDUAL BEING A VICTIM OF HUMAN TRAFFICKING.
27 THE INDIVIDUAL SHALL SERVE A COPY OF THE MOTION ON THE DISTRICT

1 ATTORNEY'S OFFICE THAT OBTAINED THE CONVICTION.

2 (b) THIS SECTION APPLIES TO ALL STATE AND MUNICIPAL
3 CONVICTIONS FOR CRIMES EXCEPT FOR CRIMES DEFINED IN SECTION
4 24-4.1-302 (1).

5 (c) THIS SECTION DOES NOT APPLY TO A CONVICTION IF THE
6 INDIVIDUAL RAISED AN AFFIRMATIVE DEFENSE DESCRIBED IN SECTION
7 18-7-201.3 OR 18-3-504 (2.5) AT TRIAL AND WAS STILL CONVICTED AFTER
8 RAISING THE DEFENSE.

9 (d) OFFICIAL DOCUMENTATION IS NOT REQUIRED FOR AN
10 INDIVIDUAL TO SEEK OR BE GRANTED RELIEF PURSUANT TO THIS SECTION,
11 BUT IF THE INDIVIDUAL PROVIDES OFFICIAL DOCUMENTATION FROM A
12 FEDERAL, STATE, LOCAL, OR TRIBAL GOVERNMENT AGENCY INDICATING
13 THAT THE INDIVIDUAL WAS A VICTIM OF HUMAN TRAFFICKING AT THE TIME
14 OF THE OFFENSE, THE DOCUMENTATION CREATES A REBUTTABLE
15 PRESUMPTION THAT THE INDIVIDUAL WAS A VICTIM OF HUMAN
16 TRAFFICKING AT THE TIME OF THE OFFENSE AND IS ELIGIBLE FOR RELIEF
17 PURSUANT TO THIS SECTION.

18 (2) THE DISTRICT ATTORNEY'S OFFICE THAT OBTAINED THE
19 CONVICTION MUST FILE A RESPONSE WITHIN THIRTY-FIVE DAYS FROM
20 RECEIVING A COPY OF THE MOTION. IF THE DISTRICT ATTORNEY'S OFFICE
21 OPPOSES THE MOTION OR THE COURT DETERMINES A HEARING IS
22 NECESSARY, THE COURT SHALL SET THE MOTION FOR HEARING.

23 (3) (a) IF THE COURT DETERMINES BY CLEAR AND CONVINCING
24 EVIDENCE THAT THE OFFENSE WAS COMMITTED AS RESULT OF THE
25 INDIVIDUAL BEING A VICTIM OF HUMAN TRAFFICKING AT THE TIME OF THE
26 OFFENSE, THE COURT SHALL VACATE THE CONVICTION.

27 (b) A CONVICTION VACATED PURSUANT TO SUBSECTION (3)(a) OF

1 THIS SECTION IS DEEMED VACATED DUE TO A SUBSTANTIVE DEFECT IN THE
2 UNDERLYING CRIMINAL PROCEEDINGS.

3 (4) NOTHING IN THIS SECTION PREVENTS THE INDIVIDUAL FROM
4 APPLYING FOR ANY OTHER RELIEF ALLOWED BY LAW.

5 (5) (a) IF THE COURT ISSUES AN ORDER VACATING THE CONVICTION
6 THE COURT SHALL SEND THE ORDER TO THE COLORADO BUREAU OF
7 INVESTIGATION AND THE BUREAU SHALL REMOVE THE CONVICTION FROM
8 THE INDIVIDUAL'S RECORD.

9 (b) IF THE COURT ISSUES AN ORDER VACATING THE CONVICTION
10 PURSUANT TO THIS SECTION, THE INDIVIDUAL MAY PETITION TO HAVE THE
11 OTHER RELATED RECORDS SEALED PURSUANT TO THE PROCEDURE IN
12 SECTION 24-72-707.

13 **SECTION 11. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2024 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.