



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated January 22, 2024)

Drafting Number:	LLS 24-0331	Date:	March 7, 2024
Prime Sponsors:	Sen. Pelton B.; Fields Rep. Winter T.	Bill Status:	House Judiciary
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Bill Topic: STRENGTHENING ENFORCEMENT HUMAN TRAFFICKING

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill makes two human trafficking offenses subject to crimes of violence sentencing guidelines, and increases the statute of limitations for prosecuting the offenses to 20 years. The bill will impact state and local expenditures starting in FY 2024-25.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Summary of Legislation

The bill requires the court to sentence defendants convicted of human trafficking for involuntary servitude and human trafficking for sexual servitude pursuant to crimes of violence sentencing guidelines, and increases the statute of limitations for prosecuting these offenses to 20 years. The bill does not impact the unlimited statute of limitations for human trafficking for sexual servitude of a minor. The bill also expands the affirmative defense of being a victim of human trafficking to defendants accused of any human trafficking for sexual servitude instead of just human trafficking of minors for sexual servitude.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data. The bill changes the classification of two crimes to crimes of violence.

- **Human trafficking – involuntary servitude.** From FY 2020-21 to FY 2022-23, four individuals have been convicted and sentenced for this offense. Of the persons convicted, all 4 were male. Demographically, 2 were White and 2 were Black/African American.
- **Human trafficking – sexual servitude.** From FY 2020-21 to FY 2022-23, 17 individuals have been convicted and sentenced for this offense. Of the persons convicted, all 15 were male, 1 was female, and 1 did not have a gender identified. Demographically, 1 was White, 14 were Black/African American, 1 was Asian, and 1 did not have a race identified.

Additionally, the fiscal note analyzed the offenses sentenced to the Department of Corrections and the sentence length for these convictions, as shown in Table 2.

Table 2
FY 2020-21 to FY 2022-23 Sentencing Data for Human Trafficking

C.R.S. Crime	Felony Class	Number of Cases	Average Sentence
Involuntary Servitude	F4	2	7.5 years
	F2	6	28 years
Sexual Servitude	F3	7	14.6 years
	F4	1	6 years

Currently, the presumed range for a crime of violence is:

- 16 to 48 years for a class 2 felony;
- 10 to 32 years for a class 3 felony; and
- 5 to 16 years for a class 4 felony.

Assumptions. Based on the data outlined above, and the presumed sentencing range for crimes of violence, the fiscal note assumes that individuals sentenced for the human trafficking offenses in the bill are sentenced within the crime of violence range under current law, or the additional time falls outside the five-year impact forecast window. The fiscal note also assumes that increasing the statute of limitations may minimally increase the number of criminal cases and sentences to the DOC; however, based on the overall number of convictions, any impact is expected to be minimal.

State Expenditures

Beginning in FY 2024-25, this bill increases workload and costs in the Judicial Department. It may also increase state General Fund expenditures in the Department of Corrections, as discussed below.

Judicial Department. Based on the assumptions outlined above, this bill will increase workload and costs for the trial courts in the Judicial Department to process additional and potentially longer criminal cases to the extent longer incarceration reduces the number of plea deals. To the extent that new offenders are sentenced to probation, workload and costs in the Division of Probation will increase. Workload and costs may increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Counsel. Overall, it is assumed these impacts can be accomplished within existing appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

Department of Corrections. To the extent that this bill increases the number of individuals sentenced to or the length of time an individual is in the custody of the DOC, costs will increase. However, as outlined in the Comparable Crime Analysis, it is assumed that that increases in the sentence length will be minimal and that any increase in costs will be addressed through the annual budget process, as necessary.

Local Government

The bill increases workload and costs for district attorneys to prosecute additional felonies due to the increase in the statute of limitations, or to participate in longer trials if there is a reduction in plea deals. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Technical Note

The affirmative defense outlined in the bill still refers to human trafficking of minors for servitude, instead of human trafficking for sexual servitude as a whole. The fiscal note assumes that the intent is to expand the affirmative defense to defendants who are victims of human trafficking and are accused of any human trafficking for sexual servitude offense.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections

District Attorneys

Judicial

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).