

CHAPTER 287

CRIMINAL LAW AND PROCEDURE

SENATE BILL 06-207

BY SENATOR(S) Groff, Grossman, Shaffer, Bacon, Boyd, Brophy, Entz, Evans, Fitz-Gerald, Gordon, Hagedorn, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May R., Mitchell, Owen, Tapia, Taylor, Teck, Tochtrop, Traylor, Veiga, Wiens, Williams, and Windels;
also REPRESENTATIVE(S) Borodkin, Berens, Carroll M., Carroll T., Clapp, Cloer, Coleman, Gardner, Green, Hall, Harvey, Hoppe, Jahn, Kerr A., Kerr J., King, Knoedler, Larson, Madden, Marshall, Massey, May M., McFadyen, Merrifield, Paccione, Penry, Riesberg, Romanoff, Rose, Schultheis, Soper, Stafford, Sullivan, Todd, White, and Witwer.

AN ACT

CONCERNING A PROHIBITION AGAINST TRAFFICKING IN HUMANS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Article 13 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-13-127. Trafficking in adults. (1) A PERSON COMMITS TRAFFICKING IN ADULTS IF HE OR SHE:

(a) SELLS, EXCHANGES, BARTERS, OR LEASES AN ADULT AND RECEIVES ANY MONEY OR OTHER CONSIDERATION OR THING OF VALUE FOR THE ADULT AS A RESULT OF SUCH TRANSACTION; OR

(b) RECEIVES AN ADULT AS A RESULT OF A TRANSACTION DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) AS USED IN THIS SECTION, "ADULT" MEANS A PERSON SIXTEEN YEARS OF AGE OR OLDER.

(3) TRAFFICKING IN ADULTS IS A CLASS 3 FELONY UNLESS THE ADULT OR ADULTS WHO HAVE BEEN TRAFFICKED ARE ILLEGALLY PRESENT IN THE UNITED STATES, IN WHICH CASE TRAFFICKING IN ADULTS IS A CLASS 2 FELONY.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 18-6-402, Colorado Revised Statutes, is amended to read:

18-6-402. Trafficking in children. (1) A person commits trafficking in children if he OR SHE:

(a) Sells, exchanges, barter, or leases a child and receives any money or other consideration or thing of value for the child as a result of such transaction; or

(b) Receives a child as a result of a transaction described in paragraph (a) of this subsection (1).

(2) As used in this section, "child" means a person under the age of sixteen years.

(3) Trafficking in children is a class 3 felony.

SECTION 3. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-153. Appropriation to comply with section 2-2-703 - SB 06-207.

(1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT S.B. 06-207, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF ONE HUNDRED SEVENTY-FOUR THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS (\$174,388).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF TWO HUNDRED NINE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS (\$209,266).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FIFTY-THREE THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS (\$53,626).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF THREE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS (\$392,373).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION TO ANY OTHER

APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED SEVENTEEN THOUSAND NINE HUNDRED SEVENTY-SEVEN DOLLARS (\$117,977).

(d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWO HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED THIRTY-SIX DOLLARS (\$238,636).

(e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS (\$523,164).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THREE HUNDRED NINETY-NINE THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$399,514).

SECTION 4. The introductory portion to 24-75-302 (2) and 24-75-302 (2) (s), (2) (t), and (2) (u), Colorado Revised Statutes, are amended, and the said 24-75-302 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, ~~2008~~ 2010, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(s) On July 1, 2006, twenty-two thousand nine hundred twenty-four dollars pursuant to section 3 of H.B. 02S-1006, enacted at the third extraordinary session of the sixty-third general assembly; plus two hundred ninety-one thousand seven hundred sixty-one dollars pursuant to H.B. 03-1004, enacted at the first regular session of the sixty-fourth general assembly; plus one hundred twenty-five thousand

forty-one dollars pursuant to H.B. 03-1138, enacted at the first regular session of the sixty-fourth general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 03-1213, enacted at the first regular session of the sixty-fourth general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 03-1317, enacted at the first regular session of the sixty-fourth general assembly; plus ninety thousand three hundred seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1016, enacted at the second regular session of the sixty-fourth general assembly; PLUS ONE HUNDRED SEVENTY-FOUR THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS PURSUANT TO S.B. 06-207, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(t) On July 1, 2007, four hundred sixteen thousand eight hundred two dollars pursuant to H.B. 03-1004, enacted at the first regular session of the sixty-fourth general assembly; plus fifty-five thousand five hundred seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular session of the sixty-fourth general assembly; plus thirteen thousand eight hundred ninety-three dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; PLUS TWO HUNDRED NINE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS PURSUANT TO S.B. 06-207, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; PLUS THREE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS PURSUANT TO S.B. 06-207, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(v) ON JULY 1, 2009, FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO S.B. 06-207, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(w) ON JULY 1, 2010, FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED SIXTY-FOUR DOLLARS PURSUANT TO S.B. 06-207, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2006