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A BILL FOR AN ACT

101   **CONCERNING INCREASING ACCESS TO ASSISTANCE FOR VICTIMS BY**

102   **PROVIDING IMMUNITY FROM PROSECUTION FOR THE OFFENSE**

103   **OF PROSTITUTION IN SPECIFIC CIRCUMSTANCES.**

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.)

The bill grants immunity to the charge of prostitution, soliciting for prostitution, or prostitute making display (prostitution offense) to a person who seeks assistance from a law enforcement officer, the 911 system, or a medical provider for a victim or as a victim of a violent crime or offense (crime) if the evidence for the charge of a prostitution offense was

obtained as a result of the person seeking assistance or as a result of the need for assistance. A person who receives immunity for a prostitution offense is not immune from prosecution for other offenses, and a district attorney or law enforcement officer may obtain or use evidence obtained from a report, recording, or other statement provided as a result of the initial prostitution offense to prosecute any other offense.

For the purposes of the bill, "person" is defined as the victim of the crime, a person who is a victim of human trafficking for sexual servitude, or a witness to the crime. The bill sets forth the applicable violent crimes or offenses.

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

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

3   follows:

4   **18-1-712.5. Immunity for sex workers and persons who are**

5   **victims of human trafficking for sexual servitude and who suffer or**

6   **report an assault - definition.** (1) AS USED IN THIS SECTION, UNLESS THE

7   CONTEXT OTHERWISE REQUIRES, "PERSON" MEANS:

8   (a) A PERSON WHO IS THE VICTIM OF AN OFFENSE SET FORTH IN

9   SUBSECTION (3) OF THIS SECTION;

10   (b) A PERSON WHO IS A VICTIM OF HUMAN TRAFFICKING OF A

11   MINOR FOR SEXUAL SERVITUDE PURSUANT TO SECTION 18-3-504; OR

12   (c) A WITNESS TO AN OFFENSE SET FORTH IN SUBSECTION (3) OF

13   THIS SECTION.

14   (2) A PERSON IS IMMUNE FROM ARREST AND PROSECUTION FOR

15   PROSTITUTION AS DESCRIBED IN SECTION 18-7-201, SOLICITING FOR

16   PROSTITUTION AS DESCRIBED IN SECTION 18-7-202, AND A PROSTITUTE

17   MAKING DISPLAY AS DESCRIBED IN SECTION 18-7-207, IF THE PERSON

18   SEEKS ASSISTANCE FROM A LAW ENFORCEMENT OFFICER, THE 911 SYSTEM,

19   OR A MEDICAL PROVIDER AND IF THE EVIDENCE FOR THE CHARGE OF

20   PROSTITUTION, SOLICITING PROSTITUTION, OR A PROSTITUTE MAKING

1 DISPLAY WAS OBTAINED AS A RESULT OF THE PERSON SEEKING

2 ASSISTANCE, AS A RESULT OF THE NEED FOR ASSISTANCE, OR AS A RESULT

3 OF THE REPORTING OF ASSISTANCE.

4 (3) A PERSON WHO IS A VICTIM OF ONE OF THE FOLLOWING

5 OFFENSES, OR A PERSON WHO WITNESSES ONE OF THE FOLLOWING

6 OFFENSES, QUALIFIES FOR THE IMMUNITY FROM PROSTITUTION CHARGES

7 AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION:

8 (a) MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION

9 18-3-102;

10 (b) MURDER IN THE SECOND DEGREE, AS DESCRIBED IN SECTION

11 18-3-103;

12 (c) MANSLAUGHTER, AS DESCRIBED IN SECTION 18-3-104;

13 (d) CRIMINALLY NEGLIGENT HOMICIDE, AS DESCRIBED IN SECTION

14 18-3-105;

15 (e) VEHICULAR HOMICIDE, AS DESCRIBED IN SECTION 18-3-106;

16 (f) ASSAULT IN THE FIRST DEGREE, AS DESCRIBED IN SECTION

17 18-3-202;

18 (g) ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN SECTION

19 18-3-203;

20 (h) ASSAULT IN THE THIRD DEGREE, AS DESCRIBED IN SECTION

21 18-3-204;

22 (i) VEHICULAR ASSAULT, AS DESCRIBED IN SECTION 18-3-205;

23 (j) MENACING, AS DESCRIBED IN SECTION 18-3-206;

24 (k) CRIMINAL EXTORTION OR AGGRAVATED EXTORTION, AS

25 DESCRIBED IN SECTION 18-3-207;

26 (l) RECKLESS ENDANGERMENT, AS DESCRIBED IN SECTION

27 18-3-208;

1   (m) First degree kidnapping, as described in section

2 18-3-301;

3   (n) Second degree kidnapping, as described in section

4 18-3-302;

5   (o) False imprisonment, as described in section 18-3-303;

6   (p) Enticement of a child, as described in section 18-3-305;

7   (q) Internet luring of a child, as described in section

8 18-3-306;

9   (r) Sexual assault, as described in section 18-3-402;

10   (s) Unlawful sexual contact, as described in section

11 18-3-404;

12   (t) Sexual assault on a child, as described in section

13 18-3-405;

14   (u) Human trafficking for involuntary servitude or

15 human trafficking of a minor for involuntary servitude, as

16 described in section 18-3-503;

17   (v) Human trafficking for sexual servitude or human

18 trafficking of a minor for sexual servitude, as described in

19 section 18-3-504; or

20   (w) Stalking, as described in section 18-3-602.

21   (4) The immunity described in subsection (2) of this section

22 for the offense of prostitution is not grounds for suppression of

23 evidence in other criminal charges. Nothing in this section

24 prohibits the prosecution of a person for offenses other than

25 those listed in subsection (2) of this section, or to limit the

26 ability of a district attorney or law enforcement officer to

27 obtain or use evidence from a report, recording, or any other

1   STATEMENT PROVIDED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO

2   PROSECUTE AN OFFENSE OTHER THAN THOSE LISTED IN SUBSECTION (2) OF

3   THIS SECTION. NOTHING IN THIS SECTION PROHIBITS THE PROVISION OF

4   IMMUNITY PURSUANT TO OTHER SECTIONS OF LAW, AS APPLICABLE,

5   INCLUDING SECTION 18-1-711.

6   **SECTION 2. Safety clause.** The general assembly hereby finds,

7   determines, and declares that this act is necessary for the immediate

8   preservation of the public peace, health, or safety.