

CHAPTER 101

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 16-1224

BY REPRESENTATIVE(S) Lundeen, Becker J., Carver, Nordberg, Becker K., Conti, Court, Fields, Ginal, Joshi, Kagan, Kraft-Tharp, Lawrence, Lee, McCann, Neville P., Pabon, Pettersen, Ransom, Rosenthal, Roupe, Van Winkle, Vigil, Windholz, Winter, Brown, Hamner, Primavera, Priola, Ryden;
 also SENATOR(S) Woods, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Donovan, Guzman, Heath, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Roberts, Scheffel, Scott, Tate, Todd, Cadman.

AN ACT**CONCERNING CHILD ABUSE INVOLVING HUMAN TRAFFICKING OF MINORS.**

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

SECTION 1. In Colorado Revised Statutes, 19-1-103, **add** (1) (a) (VIII) and (23.5) as follows:

19-1-103. Definitions - repeal. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(VIII) ANY CASE IN WHICH A CHILD IS SUBJECTED TO HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, C.R.S.

(23.5) "COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN" INVOLVES CRIMES OF A SEXUAL NATURE COMMITTED AGAINST JUVENILE VICTIMS FOR FINANCIAL OR OTHER ECONOMIC REASONS.

SECTION 2. In Colorado Revised Statutes, 19-3-308, **add** (4) (c) as follows:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - investigations - child protection team - rules. (4) (c) UPON THE RECEIPT

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

OF A REPORT, IF THE COUNTY DEPARTMENT ASSESSMENT CONCLUDES THAT A CHILD HAS BEEN A VICTIM OF INTRAFAMILIAL, INSTITUTIONAL, OR THIRD-PARTY ABUSE OR NEGLECT IN WHICH HE OR SHE HAS BEEN SUBJECTED TO HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, C.R.S.; OR COMMERCIAL SEXUAL EXPLOITATION OF A CHILD, IT SHALL, WHEN NECESSARY AND APPROPRIATE, IMMEDIATELY OFFER SOCIAL SERVICES TO THE CHILD WHO IS THE SUBJECT OF THE REPORT AND TO HIS OR HER FAMILY, AND IT MAY FILE A PETITION IN THE JUVENILE COURT OR THE DISTRICT COURT WITH JUVENILE JURISDICTION ON BEHALF OF SUCH CHILD. IF, AT ANY TIME AFTER THE COMMENCEMENT OF AN INVESTIGATION, THE COUNTY DEPARTMENT HAS REASONABLE CAUSE TO SUSPECT THAT THE CHILD OR ANY OTHER CHILD UNDER THE SAME CARE IS A VICTIM OF HUMAN TRAFFICKING, THE COUNTY DEPARTMENT SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY AS SOON AS IT IS REASONABLY PRACTICABLE TO DO SO. IF IMMEDIATE REMOVAL IS NECESSARY TO PROTECT THE CHILD OR OTHER CHILDREN UNDER THE SAME CARE FROM FURTHER ABUSE, THE CHILD OR CHILDREN MAY BE PLACED IN PROTECTIVE CUSTODY IN ACCORDANCE WITH SECTIONS 19-3-401 (1) (a) AND 19-3-405. IN INSTANCES OF THIRD-PARTY ABUSE OR NEGLECT AS IT RELATES TO HUMAN TRAFFICKING, A COUNTY DEPARTMENT OF SOCIAL SERVICES MAY, BUT IS NOT REQUIRED TO, INTERVIEW THE PERSON ALLEGED TO BE RESPONSIBLE FOR THE ABUSE OR NEGLECT OR PREPARE AN INVESTIGATIVE REPORT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5.3) OF THIS SECTION. IF A COUNTY DEPARTMENT ELECTS TO INTERVIEW THE THIRD-PARTY INDIVIDUAL, IT SHALL FIRST CONFER WITH ITS LOCAL LAW ENFORCEMENT AGENCY.

SECTION 3. In Colorado Revised Statutes, **add** 19-3-317 as follows:

19-3-317. Screening tool - human trafficking. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, PURSUANT TO THE FEDERAL "PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT", PUB.L. 113-183, THE DEPARTMENT AND EACH COUNTY DEPARTMENT, AS DEFINED IN SECTION 19-1-103 (32) (a), SHALL IMPLEMENT A UNIFORM SCREENING TOOL THAT INCLUDES QUESTIONS THAT ARE INTENDED TO IDENTIFY CHILDREN WHO ARE VICTIMS OF HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, C.R.S., OR COMMERCIAL SEXUAL EXPLOITATION OF A CHILD, OR WHO ARE AT RISK OF BEING SUCH VICTIMS.

SECTION 4. Act subject to petition - effective date. This act takes effect January 1, 2017; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on January 1, 2017, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: April 15, 2016