

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 17-0459.01 Jane Ritter x4342

HOUSE BILL 17-1072

HOUSE SPONSORSHIP

Landgraf and Lawrence, Buck, Carver, Thurlow

SENATE SPONSORSHIP

Cooke,

House Committees  
Judiciary

Senate Committees  
Judiciary

A BILL FOR AN ACT

101 CONCERNING HUMAN TRAFFICKING FOR SEXUAL SERVITUDE.

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 amends the language defining the crime of human trafficking for sexual servitude to include "purchasing" another person or a minor for the purpose of coercing the person or minor to engage in commercial sexual activity. Current law requires a person convicted of human trafficking of a minor for sexual servitude to be placed on the Colorado sex offender registry; the bill extends that requirement to persons convicted of human trafficking of any person of any age.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
April 18, 2017

HOUSE  
3rd Reading Unamended  
March 28, 2017

HOUSE  
Amended 2nd Reading  
March 27, 2017

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-502, **add** (11.5)  
3 as follows:

4 **18-3-502. Definitions.** As used in this part 5, unless the context  
5 otherwise requires:

6 (11.5) "TRAVEL SERVICES" INCLUDES, BUT IS NOT LIMITED TO, THE  
7 FOLLOWING SERVICES, OFFERED EITHER ON A WHOLESALE OR RETAIL  
8 BASIS:

9 (a) TRANSPORTATION BY AIR, SEA, ROAD, OR RAIL;

10 (b) RELATED GROUND TRANSPORTATION;

11 (c) HOTEL ACCOMMODATIONS; OR

12 (d) PACKAGE TOURS.

13 **SECTION 2.** In Colorado Revised Statutes, 18-3-504, **amend**  
14 (2)(a); and add (2.5) as follows:

15 **18-3-504. Human trafficking for sexual servitude - human**  
16 **trafficking of a minor for sexual servitude.** (2) (a) (I) A person who  
17 knowingly sells, recruits, harbors, transports, transfers, isolates, entices,  
18 provides, receives, obtains by any means, maintains, or makes available  
19 a minor for the purpose of commercial sexual activity commits human  
20 trafficking of a minor for sexual servitude.

21 (II) A PERSON WHO KNOWINGLY ADVERTISES, OFFERS TO SELL, OR  
22 SELLS TRAVEL SERVICES THAT FACILITATE AN ACTIVITY PROHIBITED  
23 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION COMMITS HUMAN  
24 TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE.

25 (2.5) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE PURSUANT TO  
26 SUBSECTION (2) OF THIS SECTION IF THE PERSON BEING CHARGED CAN

1 DEMONSTRATE BY A PREPONDERANCE OF THE EVIDENCE THAT, AT THE  
2 TIME OF THE OFFENSE, HE OR SHE WAS A VICTIM OF HUMAN TRAFFICKING  
3 FOR SEXUAL SERVITUDE WHO WAS FORCED OR COERCED INTO ENGAGING  
4 IN THE HUMAN TRAFFICKING OF MINORS FOR SEXUAL SERVITUDE  
5 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

6 **SECTION 3.** In Colorado Revised Statutes, 16-22-102, **amend**  
7 the introductory portion; and **add** (9)(j.5) as follows:

8 **16-22-102. Definitions.** As used in this ~~article~~ ARTICLE 22, unless  
9 the context otherwise requires:

10 (9) "Unlawful sexual behavior" means any of the following  
11 offenses or criminal attempt, conspiracy, or solicitation to commit any of  
12 the following offenses:

13 (j.5) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED  
14 IN SECTION 18-3-504 (1);

15 **SECTION 4.** In Colorado Revised Statutes, 16-22-113, **add**  
16 (1)(a.5) as follows:

17 **16-22-113. Petition for removal from registry.** (1) Except as  
18 otherwise provided in subsection (3) of this section, any person required  
19 to register pursuant to section 16-22-103 or whose information is required  
20 to be posted on the internet pursuant to section 16-22-111 may file a  
21 petition with the court that issued the order of judgment for the conviction  
22 that requires the person to register for an order to discontinue the  
23 requirement for such registration or internet posting, or both, as follows:

24 (a.5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1)(d),  
25 (1)(e), AND (1)(f) OF THIS SECTION, IF THE OFFENSE THAT REQUIRED THE  
26 PERSON TO REGISTER CONSTITUTED HUMAN TRAFFICKING FOR SEXUAL  
27 SERVITUDE PURSUANT TO SECTION 18-3-504 (1)(a), UPON COMPLETION OF

1 THE PERSON'S SENTENCE AND HIS OR HER DISCHARGE FROM THE  
2 DEPARTMENT OF CORRECTIONS, IF HE OR SHE WAS SENTENCED TO  
3 INCARCERATION, OR DISCHARGE FROM THE DEPARTMENT OF HUMAN  
4 SERVICES, IF HE OR SHE WAS COMMITTED TO SUCH DEPARTMENT, OR FINAL  
5 RELEASE FROM THE JURISDICTION OF THE COURT FOR THE OFFENSE, IF THE  
6 PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED OF UNLAWFUL SEXUAL  
7 BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS  
8 OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, THE PERSON MAY FILE  
9 A PETITION WITH THE COURT PURSUANT TO SUBSECTION (2) OF THIS  
10 SECTION. NOTWITHSTANDING ANY OTHER INFORMATION OBTAINED BY THE  
11 COURT DURING THE HEARING OF THE PETITION, A COURT SHALL NOT ISSUE  
12 AN ORDER DISCONTINUING THE PETITIONER'S DUTY TO REGISTER UNLESS  
13 THE PETITIONER HAS AT LEAST ESTABLISHED BY A PREPONDERANCE OF THE  
14 EVIDENCE THAT AT THE TIME HE OR SHE COMMITTED THE OFFENSE OF  
15 HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, HE OR SHE HAD BEEN  
16 TRAFFICKED BY ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-503 OR  
17 18-3-504, FOR THE PURPOSE OF COMMITTING THE OFFENSE. FAILURE TO  
18 MAKE THE REQUIRED SHOWING PURSUANT TO THIS SUBSECTION (1)(a.5)  
19 REQUIRES THE PERSON TO COMPLY WITH THE PROVISIONS OF SUBSECTION  
20 (1)(a) OF THIS SECTION FOR ANY SUBSEQUENT PETITION TO DISCONTINUE  
21 THE PERSON'S DUTY TO REGISTER.

22 **SECTION 5. Effective date - applicability.** This act takes effect  
23 September 1, 2017, and applies to offenses committed on or after said  
24 date.

25 **SECTION 6. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.