

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.*

HOUSE
3rd Reading Unamended
March 28, 2017

HOUSE
Amended 2nd Reading
March 27, 2017

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

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

7 **16-22-102. Definitions.** As used in this ~~article~~ ARTICLE 22, unless
8 the context otherwise requires:

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

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

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

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

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

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

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

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