



**Colorado
Legislative
Council
Staff**

HB17-1072

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0459 **Date:** July 27, 2017
Prime Sponsor(s): Rep. Landgraf; Lawrence **Bill Status:** Signed into Law
 Sen. Cooke **Fiscal Analyst:** Amanda Hayden (303-866-4918)

BILL TOPIC: HUMAN TRAFFICKING SEXUAL SERVITUDE

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue Cash Funds	Potential increase. See State Revenue section.	
State Expenditures General Fund	Potential increase. See State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: Ongoing potential revenue and expenditure increases.		

Summary of Legislation

This bill adds knowingly advertising, offering to sell, or selling travel services that facilitate human trafficking of a minor for sexual servitude to the definition of the offense. It is an affirmative defense to a charge of human trafficking of a minor if the person being charged can demonstrate by a preponderance of the evidence that he or she was a victim of human trafficking who was forced or coerced into engaging in human trafficking of minors for sexual servitude.

The bill adds human trafficking for sexual servitude to the definition of "unlawful sexual behavior;" under current law, only human trafficking of a minor is included in that definition. Any person convicted of an offense that constitutes unlawful sexual behavior is required to register on the sex offender registry. The bill allows offenders convicted of human trafficking for sexual servitude to petition for removal from the registry once they complete their sentences and are discharged from the jurisdiction of the court. The petitioner must not have been convicted of any subsequent sexual offenses and must show by a preponderance of the evidence that at the time of the offense, he or she had been trafficked by another person.

Background and Comparable Crime

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. In the last three years, there have been 8 convictions for human trafficking for sexual servitude. Of these, 7 were African

American, and 1 was Caucasian; 7 were male and 1 was female. Human trafficking for sexual servitude is a class 3 felony and carries a penalty of 4 to 12 years in prison, a fine of \$3,000 to \$750,000, or both. In the same period, there have been 6 convictions for human trafficking of a minor for sexual servitude. Of these, 3 were African American, 2 were Caucasian, and 1 was Indian; 3 were male and 3 were female. Human trafficking of a minor for sexual servitude is a class 2 felony and carries a penalty of 8 to 24 years in prison, a fine of \$5,000 to \$1 million, or both.

State Revenue

Beginning in FY 2017-18, this bill may increase state cash fund revenue by a minimal amount.

Criminal fines. If additional convictions occur, this bill may increase state revenue by a minimal amount, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 3 felony is \$3,000 to \$750,000, and for a class 2 felony, \$5,000 to \$1 million. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of criminal fines imposed in 2016, the fiscal note assumes that any revenue generated is likely to be minimal.

Court and administrative fees. This bill may also increase state fee revenue by a minimal amount. Fees are imposed for a variety of court-related costs, which vary based on the offense and the type of court. Typical fees may include such items as probation supervision, drug or sex offender surcharges, genetic testing, victim compensation, late fees, and other administrative fees.

State Expenditures

Starting in FY 2017-18, this bill may increase workload and state expenditures in the Judicial Department, the Office of the State Public Defender, and the Office of the Alternate Defense Counsel. It may also increase state General Fund expenditures in the Department of Corrections and workload in the Department of Public Safety. These impacts are discussed below.

Judicial Department. The bill may result in a minimal number of new case filings every year, which will increase workload for the trial courts. The bill may also increase the number of hearings related to petitions for removal from the sex offender registry. The expected increase in the courts' workload is minimal and can be accomplished within existing appropriations.

Office of the State Public Defender (OSPD). Workload and costs for the OSPD may increase in order to provide representation for any new cases. To the extent this occurs, this analysis assumes the OSPD will request additional appropriations through the annual budget process.

Office of the Alternate Defense Counsel (ADC). The ADC represents clients when the OSPD has a conflict and, therefore, may incur costs under the bill. These costs have not been estimated but are anticipated to be similar to those described for the OSPD.

Department of Corrections (DOC). To the extent that this bill increases the number of persons sentenced to the DOC, costs will increase. Should additional convictions occur, the fiscal note assumes the DOC will request additional appropriations through the annual budget process. For informational purposes, the cost to house an offender in a private prison in the DOC is about \$21,900 per year.

Department of Public Safety (DPS). Workload may increase for the Colorado Bureau of Investigation within DPS to manage new registrations on the statewide sex offender registry. Given the low number of convictions each year for human trafficking for sexual servitude, it is assumed this increase in workload is minimal and can be accomplished with existing resources.

Local Government Impact

To the extent that the addition of a new element to the crime of human trafficking allows for additional cases to be filed, this bill will increase workload for district attorneys to prosecute new felonies. The fiscal note assumes that any increase in workload is minimal.

Effective Date

The bill was signed into law by the Governor on May 25, 2017, and takes effect September 1, 2017. It applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections
Judicial

Human Services
Public Safety

Information Technology
Sheriffs