

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 24-0575.01 Michael Dohr x4347

HOUSE BILL 24-1345

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A BILL FOR AN ACT

101 **CONCERNING THE HUMAN TRAFFICKING COUNCIL, AND, IN**
102 **CONNECTION THEREWITH, IMPLEMENTING THE**
103 **RECOMMENDATION CONTAINED IN THE 2023 SUNSET REPORT BY**
104 **THE DEPARTMENT OF REGULATORY AGENCIES, IMPLEMENTING**
105 **CERTAIN RECOMMENDATIONS BY THE HUMAN TRAFFICKING**
106 **COUNCIL, AND MAKING AN APPROPRIATION.**

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/>.)

Sunset Process - House Judiciary Committee. The bill

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
April 25, 2024

HOUSE
3rd Reading Unamended
April 17, 2024

HOUSE
Amended 2nd Reading
April 16, 2024

implements the recommendation of the department of regulatory agencies in its sunset review of the human trafficking council by continuing the council indefinitely.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1203, **repeal**
3 **(15)(a)(VIII); and add (22)(a)(VI) as follows:**

4 **2-3-1203. Sunset review of advisory committees - legislative**
5 **declaration - definition - repeal.** (15) (a) The following statutory
6 authorizations for the designated advisory committees are scheduled for
7 repeal on September 1, 2024:

8 (VIII) ~~The Colorado human trafficking council created in section~~
9 ~~18-3-505;~~

10 (22) (a) The following statutory authorizations for the designated
11 advisory committees will repeal on September 1, 2031:

12 (VI) ~~THE COLORADO HUMAN TRAFFICKING COUNCIL CREATED IN~~
13 ~~SECTION 18-3-505.~~

14 **SECTION 2.** In Colorado Revised Statutes, 18-3-505, **amend** (6)
15 as follows:

16 **18-3-505. Human trafficking council - created - duties - repeal.**

17 (6) This section is repealed, effective ~~September 1, 2024~~ SEPTEMBER 1,
18 2031. Before repeal, the department of regulatory agencies shall review
19 the council pursuant to section 2-3-1203.

20 **SECTION 3.** In Colorado Revised Statutes, 18-3-505, **amend**
21 **(3)(a) as follows:**

22 **18-3-505. Human trafficking council - created - duties - repeal.**

23 (3) (a) Except as provided by subsection (3)(b) of this section, each
24 council member must serve at the pleasure of his or her appointing

1 authority for a term of four years. The appointing authority may reappoint
2 the council member for an additional term or terms. Council members
3 must serve without compensation ~~but~~ WITH THE EXCEPTION OF THE
4 APPOINTED SURVIVOR COUNCIL MEMBERS WHO MUST RECEIVE AN HOURLY
5 RATE FOR THE TIME FOR EACH COUNCIL MEETING ATTENDED, NOT TO
6 EXCEED EIGHT HOURS PER MEETING AT THE CURRENT APPLICABLE EXPERT
7 RATE AS STATED IN CHIEF JUSTICE DIRECTIVE 12-03. ALL COUNCIL
8 MEMBERS may be reimbursed for actual travel expenses incurred in the
9 performance of their duties.

10 **SECTION 4.** In Colorado Revised Statutes, 24-30-2102, **amend**
11 (1) and (1.5) as follows:

12 **24-30-2102. Legislative declaration.** (1) The general assembly
13 finds and declares that a person attempting to escape from actual or
14 threatened domestic violence, a sexual offense, HUMAN TRAFFICKING, or
15 stalking frequently moves to a new address in order to prevent an
16 assailant or potential assailant from finding the victim. This new address,
17 however, is only useful if an assailant or potential assailant does not
18 discover it. Additionally, people involved in the provision of reproductive
19 health care are at a heightened risk of actual or threatened violence,
20 stalking, or other social harms.

21 (1.5) Therefore, in order to help victims of domestic violence, a
22 sexual offense, HUMAN TRAFFICKING, or stalking, and to assist and protect
23 individuals involved in the provision of reproductive health care, it is the
24 intent of the general assembly to establish an address confidentiality
25 program, whereby the confidentiality of a victim's or an individual
26 involved in the provision of reproductive health care's address may be
27 maintained through, among other things, the use of a substitute address

1 for purposes of public records and confidential mail forwarding.

2 **SECTION 5.** In Colorado Revised Statutes, 24-30-2103, **amend**
3 (2); and **add** (7.5) as follows:

4 **24-30-2103. Definitions.** As used in this part 21, unless the
5 context otherwise requires:

6 (2) "Address confidentiality program" or "program" means the
7 program created under this part 21 in the department to protect the
8 confidentiality of the actual address of a relocated protected health-care
9 worker or a relocated victim of domestic violence, a sexual offense,
10 HUMAN TRAFFICKING, or stalking.

11 (7.5) "HUMAN TRAFFICKING" MEANS AN ACT DESCRIBED IN
12 SECTION 18-3-503 OR 18-3-504.

13 **SECTION 6.** In Colorado Revised Statutes, 24-30-2104, **amend**
14 (1) introductory portion and (4)(a) as follows:

15 **24-30-2104. Address confidentiality program - creation -**
16 **substitute address - uses - service by mail - application assistance**
17 **centers.** (1) There is created the address confidentiality program in the
18 department to protect the confidentiality of the actual address of a
19 relocated protected health-care worker or a relocated victim of domestic
20 violence, a sexual offense, HUMAN TRAFFICKING, or stalking and to
21 prevent the victim's assailants or potential assailants from finding the
22 victim through public records. Under the program, the executive director
23 or the executive director's designee shall:

24 (4) The executive director or the executive director's designee may
25 designate as an application assistant any person who:

26 (a) Provides counseling, referral, or other services to victims of
27 domestic violence, a sexual offense, HUMAN TRAFFICKING, or stalking, if

1 applicable;

2 **SECTION 7.** In Colorado Revised Statutes, 24-30-2105, **amend**
3 (3)(b), (3)(c) introductory portion, (3)(c)(IV), and (3)(h) as follows:

4 **24-30-2105. Filing and certification of applications -**
5 **authorization card.** (3) The application must be on a form prescribed by
6 the executive director or the executive director's designee and must
7 contain the following:

8 (b) A statement by the applicant that the applicant is a victim of
9 domestic violence, a sexual offense, HUMAN TRAFFICKING, or stalking and
10 that the applicant fears for the applicant's safety, if applicable;

11 (c) Evidence that the applicant is a victim of domestic violence,
12 a sexual offense, HUMAN TRAFFICKING, or stalking, if applicable. This
13 evidence may include any of the following:

14 (IV) Documentation from a religious, medical, or other
15 professional from whom the applicant has sought assistance in dealing
16 with the alleged domestic violence, sexual offense, HUMAN TRAFFICKING,
17 or stalking.

18 (h) The actual address that the applicant requests not to be
19 disclosed by the executive director or the executive director's designee
20 that directly relates to the increased risk of domestic violence, a sexual
21 offense, HUMAN TRAFFICKING, or stalking, or increased risk of actual or
22 threatened violence, stalking, HUMAN TRAFFICKING, or other social harms
23 due to the provision of a legally protected health-care activity, as defined
24 in section 12-30-121 (1)(d);

25 **SECTION 8.** In Colorado Revised Statutes, 24-30-2112, **amend**
26 (2) as follows:

27 **24-30-2112. Participation in the program - orders relating to**

1 **allocation of parental responsibilities or parenting time.** (2) Program
2 participation does not constitute evidence of domestic violence, a sexual
3 offense, HUMAN TRAFFICKING, or stalking and shall not be considered for
4 purposes of making an order allocating parental responsibilities or
5 parenting time; except that a court may consider practical measures to
6 keep a program participant's actual address confidential when making an
7 order allocating parental responsibilities or parenting time.

8 **SECTION 9.** In Colorado Revised Statutes, 24-30-2114, **amend**
9 (2)(c); and add (2)(a.5) and (2)(a.6) as follows:

10 **24-30-2114. Surcharge - collection and distribution - address**
11 **confidentiality program surcharge fund - creation - definitions.**

12 (2) The following crimes shall be subject to the surcharge set forth in
13 subsection (1) of this section:

14 (a.5) HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OR
15 HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE IN
16 VIOLATION OF SECTION 18-3-503;

17 (a.6) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OR HUMAN
18 TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE IN VIOLATION OF
19 SECTION 18-3-504;

20 (c) Criminal attempt, conspiracy, or solicitation to commit the
21 crimes set forth in ~~paragraphs (a) and (b)~~ SUBSECTIONS (2)(a), (2)(a.5),
22 (2)(a.6), AND (2)(b) of this ~~subsection (2)~~ SECTION.

23 **SECTION 10.** In Colorado Revised Statutes, **add** 18-1-410.7 as
24 follows:

25 **18-1-410.7. Vacating certain criminal convictions for victims**
26 **of human trafficking.** (1) (a) AN INDIVIDUAL MAY FILE A MOTION WITH
27 THE COURT WHERE A CONVICTION WAS OBTAINED AGAINST THE

1 INDIVIDUAL REQUESTING THAT THE CONVICTION BE VACATED IF THE
2 UNDERLYING OFFENSE RESULTING IN THE CONVICTION WAS COMMITTED AS
3 A RESULT OF THE INDIVIDUAL BEING A VICTIM OF HUMAN TRAFFICKING.
4 THE INDIVIDUAL SHALL SERVE A COPY OF THE MOTION ON THE DISTRICT
5 ATTORNEY'S OFFICE OR MUNICIPAL ATTORNEY'S OFFICE THAT OBTAINED
6 THE CONVICTION.

7 (b) THIS SECTION APPLIES TO ALL STATE AND MUNICIPAL
8 CONVICTIONS FOR CRIMES EXCEPT FOR CRIMES DEFINED IN SECTION
9 24-4.1-302 (1).

10 (c) THIS SECTION DOES NOT APPLY TO A CONVICTION IF THE
11 INDIVIDUAL RAISED AN AFFIRMATIVE DEFENSE DESCRIBED IN SECTION
12 18-7-201.3 OR 18-3-504 (2.5) AT TRIAL AND WAS STILL CONVICTED AFTER
13 RAISING THE DEFENSE.

14 (d) OFFICIAL DOCUMENTATION IS NOT REQUIRED FOR AN
15 INDIVIDUAL TO SEEK OR BE GRANTED RELIEF PURSUANT TO THIS SECTION,
16 BUT IF THE INDIVIDUAL PROVIDES OFFICIAL DOCUMENTATION FROM A
17 FEDERAL, STATE, LOCAL, OR TRIBAL GOVERNMENT AGENCY INDICATING
18 THAT THE INDIVIDUAL WAS A VICTIM OF HUMAN TRAFFICKING AT THE TIME
19 OF THE OFFENSE, THE DOCUMENTATION CREATES A REBUTTABLE
20 PRESUMPTION THAT THE INDIVIDUAL WAS A VICTIM OF HUMAN
21 TRAFFICKING AT THE TIME OF THE OFFENSE AND IS ELIGIBLE FOR RELIEF
22 PURSUANT TO THIS SECTION.

23 (2) THE DISTRICT ATTORNEY'S OFFICE OR MUNICIPAL ATTORNEY'S
24 OFFICE THAT OBTAINED THE CONVICTION MUST FILE A RESPONSE WITHIN
25 THIRTY-FIVE DAYS FROM RECEIVING A COPY OF THE MOTION. IF THE
26 DISTRICT ATTORNEY'S OFFICE OR MUNICIPAL ATTORNEY'S OFFICE OPPOSES
27 THE MOTION OR THE COURT DETERMINES A HEARING IS NECESSARY, THE

1 COURT SHALL SET THE MOTION FOR HEARING.

2 (3) (a) IF THE COURT DETERMINES BY CLEAR AND CONVINCING
3 EVIDENCE THAT THE OFFENSE WAS COMMITTED AS RESULT OF THE
4 INDIVIDUAL BEING A VICTIM OF HUMAN TRAFFICKING AT THE TIME OF THE
5 OFFENSE, THE COURT SHALL VACATE THE CONVICTION.

6 (b) A CONVICTION VACATED PURSUANT TO SUBSECTION (3)(a) OF
7 THIS SECTION IS DEEMED VACATED DUE TO A SUBSTANTIVE DEFECT IN THE
8 UNDERLYING CRIMINAL PROCEEDINGS.

9 (4) NOTHING IN THIS SECTION PREVENTS THE INDIVIDUAL FROM
10 APPLYING FOR ANY OTHER RELIEF ALLOWED BY LAW.

11 (5) (a) IF THE COURT ISSUES AN ORDER VACATING THE CONVICTION
12 THE COURT SHALL SEND THE ORDER TO THE COLORADO BUREAU OF
13 INVESTIGATION AND THE BUREAU SHALL REMOVE THE CONVICTION FROM
14 THE INDIVIDUAL'S RECORD.

15 (b) IF THE COURT ISSUES AN ORDER VACATING THE CONVICTION
16 PURSUANT TO THIS SECTION, THE INDIVIDUAL MAY PETITION TO HAVE THE
17 OTHER RELATED RECORDS SEALED PURSUANT TO THE PROCEDURE IN
18 SECTION 24-72-707.

19 **SECTION 11. Appropriation.** For the 2024-25 state fiscal year,
20 \$266,826 is appropriated to the department of public safety for use by the
21 division of criminal justice. This appropriation is from the general fund
22 and is based on an assumption that the division will require an additional
23 1.8 FTE. To implement this act, the division may use this appropriation
24 for DCJ administrative services.

25
26 **SECTION 12. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.