

CHAPTER 317

GOVERNMENT - STATE

HOUSE BILL 24-1345

BY REPRESENTATIVE(S) Weissman and Soper, Amabile, Bacon, Bird, Boesenecker, Bradley, Brown, Catlin, Clifford, Daugherty, Duran, Froelich, Garcia, Hamrick, Hartsook, Hernandez, Herod, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Lynch, Mabrey, Marshall, Martinez, Marvin, Mauro, McCormick, McLachlan, Parenti, Pugliese, Rutinel, Sirota, Snyder, Story, Titone, Vigil, Willford, Woodrow, Young, McCluskie;
also SENATOR(S) Fields, Bridges, Buckner, Coleman, Cutter, Exum, Ginal, Gonzales, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Marchman, Michaelson Jenet, Mullica, Pelton B., Priola, Roberts, Smallwood, Van Winkle, Will, Winter F., Zenzinger.

AN ACT

CONCERNING THE HUMAN TRAFFICKING COUNCIL, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATION CONTAINED IN THE 2023 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES, IMPLEMENTING CERTAIN RECOMMENDATIONS BY THE HUMAN TRAFFICKING COUNCIL, AND MAKING AN APPROPRIATION.

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

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

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

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

18-3-505. Human trafficking council - created - duties - repeal. (6) This section is repealed, effective ~~September 1, 2024~~ SEPTEMBER 1, 2031. Before repeal, the department of regulatory agencies shall review the council pursuant to section 2-3-1203.

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

18-3-505. Human trafficking council - created - duties - repeal. (3)(a) Except as provided by subsection (3)(b) of this section, each council member must serve at the pleasure of his or her appointing authority for a term of four years. The appointing authority may reappoint the council member for an additional term or terms. Council members must serve without compensation ~~but~~ WITH THE EXCEPTION OF THE APPOINTED SURVIVOR COUNCIL MEMBERS WHO MUST RECEIVE AN HOURLY RATE FOR THE TIME FOR EACH COUNCIL MEETING ATTENDED, NOT TO EXCEED EIGHT HOURS PER MEETING AT THE CURRENT APPLICABLE EXPERT RATE AS STATED IN CHIEF JUSTICE DIRECTIVE 12-03. ALL COUNCIL MEMBERS may be reimbursed for actual travel expenses incurred in the performance of their duties.

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

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

(1.5) Therefore, in order to help victims of domestic violence, a sexual offense, HUMAN TRAFFICKING, or stalking, and to assist and protect individuals involved in the provision of reproductive health care, it is the intent of the general assembly to establish an address confidentiality program, whereby the confidentiality of a victim's or an individual involved in the provision of reproductive health care's address may be maintained through, among other things, the use of a substitute address for purposes of public records and confidential mail forwarding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24-30-2112. Participation in the program - orders relating to allocation of parental responsibilities or parenting time. (2) Program participation does not constitute evidence of domestic violence, a sexual offense, HUMAN TRAFFICKING, or stalking and shall not be considered for purposes of making an order allocating parental responsibilities or parenting time; except that a court may consider practical

measures to keep a program participant's actual address confidential when making an order allocating parental responsibilities or parenting time.

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

24-30-2114. Surcharge - collection and distribution - address confidentiality program surcharge fund - creation - definitions. (2) The following crimes shall be subject to the surcharge set forth in subsection (1) of this section:

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

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

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

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

18-1-410.7. Vacating certain criminal convictions for victims of human trafficking. (1) (a) AN INDIVIDUAL MAY FILE A MOTION WITH THE COURT WHERE A CONVICTION WAS OBTAINED AGAINST THE INDIVIDUAL REQUESTING THAT THE CONVICTION BE VACATED IF THE UNDERLYING OFFENSE RESULTING IN THE CONVICTION WAS COMMITTED AS A RESULT OF THE INDIVIDUAL BEING A VICTIM OF HUMAN TRAFFICKING. THE INDIVIDUAL SHALL SERVE A COPY OF THE MOTION ON THE DISTRICT ATTORNEY'S OFFICE OR MUNICIPAL ATTORNEY'S OFFICE THAT OBTAINED THE CONVICTION.

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

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

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

(2) THE DISTRICT ATTORNEY'S OFFICE OR MUNICIPAL ATTORNEY'S OFFICE THAT OBTAINED THE CONVICTION MUST FILE A RESPONSE WITHIN THIRTY-FIVE DAYS FROM RECEIVING A COPY OF THE MOTION. IF THE DISTRICT ATTORNEY'S OFFICE OR

MUNICIPAL ATTORNEY'S OFFICE OPPOSES THE MOTION OR THE COURT DETERMINES A HEARING IS NECESSARY, THE COURT SHALL SET THE MOTION FOR HEARING.

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

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

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

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

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

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

SECTION 12. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 31, 2024