

CHAPTER 156

CRIMINAL LAW AND PROCEDURE

SENATE BILL 10-140

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also REPRESENTATIVE(S) McCann, Apuan, Court, Fischer, Gardner B., Kefalas, Kerr A., Kerr J., Labuda, Lambert, Looper, Massey, Merrifield, Miklosi, Nikkel, Pace, Primavera, Priola, Schafer S., Todd, Tyler, Vigil, Waller.

AN ACT**CONCERNING HUMAN TRAFFICKING.**

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

SECTION 1. Article 3 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

PART 5
HUMAN TRAFFICKING AND SLAVERY

18-3-501. [Formerly 18-13-127] Trafficking in adults. (1) A person commits trafficking in adults if he or she:

(a) Sells, exchanges, barter, or leases an adult and receives any money or other consideration or thing of value for the adult as a result of such transaction; or

(b) Receives an adult as a result of a transaction described in paragraph (a) of this subsection (1).

(2) As used in this section, "adult" means a person eighteen years of age or older.

(3) Trafficking in adults is a class 3 felony unless the adult or adults who have been trafficked are illegally present in the United States, in which case trafficking in adults is a class 2 felony.

18-3-502. [Formerly 18-6-402] Trafficking in children. (1) A person

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

commits trafficking in children if he or she:

(a) Sells, exchanges, barter, or leases a child and receives any money or other consideration or thing of value for the child as a result of such transaction; or

(b) Receives a child as a result of a transaction described in paragraph (a) of this subsection (1).

(2) As used in this section, "child" means a person under eighteen years of age.

(3) Trafficking in children is a class 2 felony.

18-3-503. [Formerly 18-13-129] Coercion of involuntary servitude. (1) A person commits coercion of involuntary servitude if he or she coerces another person to perform labor or services by:

(a) Withholding or threatening to destroy documents relating to a person's immigration status;

(b) Threatening to notify law enforcement officials that a person is present in the United States in violation of federal immigration laws;

(c) ~~Threats of~~ THREATENING serious harm or physical restraint against that person or another person;

(d) Means of a scheme, plan, or pattern intended to cause the person to believe that, if the person does not perform the labor or services, ~~that the person~~ HE OR SHE or another person would suffer serious harm or physical restraint; or

(e) ~~Means of abuse or threatened~~ ABUSING OR THREATENING abuse of law or the legal process.

(2) A person may commit coercion of involuntary servitude regardless of whether the person provides compensation to the person who is coerced.

(3) Coercion of involuntary servitude is a class 6 felony.

SECTION 2. 18-17-103 (5) (b) (I), Colorado Revised Statutes, is amended to read:

18-17-103. Definitions. As used in this article, unless the context otherwise requires:

(5) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(b) Any violation of the following provisions of the Colorado statutes or any criminal act committed in any jurisdiction of the United States which, if committed in this state, would be a crime under the following provisions of the Colorado statutes:

(I) Offenses against the person, as defined in sections 18-3-102 (first degree murder), 18-3-103 (second degree murder), 18-3-104 (manslaughter), 18-3-202 (first degree assault), 18-3-203 (second degree assault), 18-3-204 (third degree assault), 18-3-206 (menacing), 18-3-207 (criminal extortion), 18-3-301 (first degree kidnapping), ~~and~~ 18-3-302 (second degree kidnapping), 18-3-501 (TRAFFICKING IN ADULTS), 18-3-502 (TRAFFICKING IN CHILDREN), AND 18-3-503 (COERCION OF INVOLUNTARY SERVITUDE);

SECTION 3. 14-10-129 (3) (b) (XI), Colorado Revised Statutes, is amended to read:

14-10-129. Modification of parenting time. (3) (b) The provisions of paragraph (a) of this subsection (3) shall apply to the following crimes:

(XI) Trafficking in children, as defined in ~~section 18-6-402~~ SECTION 18-3-502, C.R.S.;

SECTION 4. 16-8-115 (4) (g) (X), Colorado Revised Statutes, is amended to read:

16-8-115. Release from commitment after verdict of not guilty by reason of insanity or not guilty by reason of impaired mental condition. (4) (g) As used in this subsection (4), "an offense involving unlawful sexual behavior" means any of the following offenses:

(X) Trafficking in children, in violation of ~~section 18-6-402~~ SECTION 18-3-502, C.R.S.;

SECTION 5. 16-11.7-102 (3) (j), Colorado Revised Statutes, is amended to read:

16-11.7-102. Definitions. As used in this article, unless the context otherwise requires:

(3) "Sex offense" means any felony or misdemeanor offense described in this subsection (3) as follows:

(j) Trafficking in children, in violation of ~~section 18-6-402~~ SECTION 18-3-502, C.R.S.;

SECTION 6. 16-22-102 (9) (j), Colorado Revised Statutes, is amended to read:

16-22-102. Definitions. As used in this article, unless the context otherwise requires:

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

(j) Trafficking in children, in violation of ~~section 18-6-402~~ SECTION 18-3-502, C.R.S.;

SECTION 7. 16-22-108 (2.5) (c), Colorado Revised Statutes, is amended to

read:

16-22-108. Registration - procedure - frequency - place - change of address - fee. (2.5) (c) For purposes of this section, "child sex crime" means sexual assault on a child, as described in section 18-3-405, C.R.S.; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3, C.R.S.; unlawful sexual contact, as described in section 18-3-404 (1.5), C.R.S.; enticement of a child, as described in section 18-3-305, C.R.S.; aggravated incest, as described in section 18-6-302 (1) (b), C.R.S.; trafficking in children, as described in ~~section 18-6-402~~ SECTION 18-3-502, C.R.S.; sexual exploitation of children, as described in section 18-6-403, C.R.S.; procurement of a child for sexual exploitation, as described in section 18-6-404, C.R.S.; soliciting for child prostitution, as described in section 18-7-402, C.R.S.; pandering of a child, as described in section 18-7-403, C.R.S.; procurement of a child, as described in section 18-7-403.5, C.R.S.; keeping a place of child prostitution, as described in section 18-7-404, C.R.S.; pimping of a child, as described in section 18-7-405, C.R.S.; inducement of child prostitution, as described in section 18-7-405.5, C.R.S.; patronizing a prostituted child, as described in section 18-7-406, C.R.S.; internet luring of a child, as described in section 18-3-306, C.R.S.; internet sexual exploitation of a child, as described in section 18-3-405.4, C.R.S.; wholesale promotion of obscenity to a minor, as described in section 18-7-102 (1.5), C.R.S.; promotion of obscenity to a minor, as described in section 18-7-102 (2.5), C.R.S.; sexual assault, as described in section 18-3-402 (1) (d) and (1) (e), C.R.S.; sexual assault in the second degree as it existed prior to July 1, 2000, as described in section 18-3-403 (1) (e) and (1) (e.5), C.R.S.; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this paragraph (c).

SECTION 8. 18-1.3-1004 (4) (b) (I), Colorado Revised Statutes, is amended to read:

18-1.3-1004. Indeterminate sentence. (4) (b) The provisions of this subsection (4) shall apply to any person who is convicted of or pleads guilty or nolo contendere to any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(I) Trafficking in children, as described in ~~section 18-6-402~~ SECTION 18-3-502;

SECTION 9. 18-3-411 (1), Colorado Revised Statutes, is amended to read:

18-3-411. Sex offenses against children - "unlawful sexual offense" defined - limitation for commencing proceedings - evidence - statutory privilege.

(1) As used in this section, "unlawful sexual offense" means enticement of a child, as described in section 18-3-305, sexual assault, as described in section 18-3-402, when the victim at the time of the commission of the act is a child less than fifteen years of age, sexual assault in the first degree, as described in section 18-3-402, as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the second degree, as described in section 18-3-403 (1) (a), (1) (b), (1) (c), (1) (d), (1) (g), or (1) (h), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age, or as described in section 18-3-403 (1) (e), as it existed prior to July 1, 2000, when the victim is less than fifteen years of

age and the actor is at least four years older than the victim; unlawful sexual contact, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the third degree, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault on a child, as described in section 18-3-405; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; aggravated incest, as described in section 18-6-302; trafficking in children, as described in ~~section 18-6-402~~ SECTION 18-3-502; sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; indecent exposure, as described in section 18-7-302, soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-406; class 4 felony internet luring of a child, as described in section 18-3-306 (3); internet sexual exploitation of a child, as described in section 18-3-405.4; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

SECTION 10. 18-3-412 (1), Colorado Revised Statutes, is amended to read:

18-3-412. Habitual sex offenders against children - indictment or information - verdict of the jury. (1) For the purpose of this section, "unlawful sexual offense" means sexual assault, as described in section 18-3-402, when the victim at the time of the commission of the act is a child less than fifteen years of age, sexual assault in the first degree, as described in section 18-3-402, as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the second degree, as described in section 18-3-403 (1) (a), (1) (b), (1) (c), (1) (d), (1) (g), or (1) (h), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age, or as described in section 18-3-403 (1) (e), as it existed prior to July 1, 2000, when the victim is less than fifteen years of age and the actor is at least four years older than the victim; unlawful sexual contact, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the third degree, as described in section 18-3-404 (1) (a), (1) (b), (1) (c), (1) (d), (1) (f), or (1) (g), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault on a child, as described in section 18-3-405; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; aggravated incest, as described in section 18-6-302; trafficking in children, as described in ~~section 18-6-402~~ SECTION 18-3-502; sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a

prostituted child, as described in section 18-7-406; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

SECTION 11. 22-31-107 (5) (b), Colorado Revised Statutes, is amended to read:

22-31-107. Candidates for school director - call - qualification - nomination.

(5) (b) For purposes of this subsection (5), "sexual offense against a child" means any of the offenses described in sections 18-3-305, 18-3-405, 18-3-405.3, ~~18-3-305~~, 18-3-502, 18-6-301, 18-6-302, ~~18-6-402~~ to 18-6-403, 18-6-404, and 18-7-402 to 18-7-406, C.R.S., and any of the offenses described in sections 18-3-402 to 18-3-404 and 18-7-302, C.R.S., where the victim is less than eighteen years of age. "Sexual offense against a child" also means attempt, solicitation, or conspiracy to commit any of the offenses specified in this paragraph (b).

SECTION 12. 24-4.2-104 (1) (a) (II) (B), Colorado Revised Statutes, is amended to read:

24-4.2-104. Surcharges levied on criminal actions and traffic offenses.

(1) (a) (II) (B) The surcharge in sub-subparagraph (A) of this subparagraph (II) shall apply to charges brought pursuant to the following sections: 18-3-305, 18-3-402, 18-3-403, as it existed prior to July 1, 2000, 18-3-404, 18-3-405, 18-3-405.3, 18-3-405.5, 18-3-502, 18-6-301, 18-6-302, ~~18-6-402~~, 18-6-403, 18-6-404, 18-7-302, 18-7-402, 18-7-405, 18-7-405.5, and 18-7-406, C.R.S., or any attempt to commit any of these crimes.

SECTION 13. Repeal of provisions being relocated in this act. 18-6-402, 18-13-127, and 18-13-129, Colorado Revised Statutes, are repealed.

SECTION 14. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 21, 2010