

CHAPTER 54

CRIMINAL LAW AND PROCEDURE

SENATE BILL 24-035

BY SENATOR(S) Pelton B. and Fields, Baisley, Buckner, Coleman, Cutter, Danielson, Exum, Gardner, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Mullica, Pelton R., Priola, Rich, Roberts, Simpson, Smallwood, Van Winkle, Will, Winter F., Zenzinger;
 also REPRESENTATIVE(S) Winter T. and Duran, Armagost, Bird, Boesenecker, Bradley, Catlin, Clifford, Evans, Frizell, Froelich, Hartsook, Lieder, Lindstedt, Lukens, Lynch, Martinez, Mauro, Pugliese, Snyder, Soper, Taggart, Titone, Valdez, Weinberg, Willford, Wilson, Young, McCluskie.

AN ACT

CONCERNING STRENGTHENING THE ENFORCEMENT OF HUMAN TRAFFICKING FOR SERVITUDE.

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

SECTION 1. In Colorado Revised Statutes, 16-1-104, **amend** (8.5)(a)(I) as follows:

16-1-104. Definitions. (8.5) (a) (I) "Crime of violence" means a crime in which the defendant used, or possessed and threatened the use of, a deadly weapon during the commission or attempted commission of any crime committed against an elderly person or a person with a disability or a crime of murder, first or second degree assault, kidnapping, sexual assault, robbery, first degree arson, first or second degree burglary, escape, ~~or~~ criminal extortion, HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT OR A MINOR, OR HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OF AN ADULT OR A MINOR, or during the immediate flight therefrom, or the defendant caused serious bodily injury or death to any person, other than ~~himself or herself~~ TO THE DEFENDANT or another participant, during the commission or attempted commission of ~~any such~~ THE felony or during the immediate flight therefrom.

SECTION 2. In Colorado Revised Statutes, 18-1.3-406, **amend** (2)(a)(II) introductory portion and (2)(a)(II)(J); and **add** (2)(a)(II)(L) and (2)(a)(II)(M) 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.

18-1.3-406. Mandatory sentences for violent crimes - definitions.

(2) (a) (II) ~~Subparagraph (1) of this paragraph (a)~~ SUBSECTION (2)(a)(I) OF THIS SECTION applies to the following crimes:

(J) Criminal extortion; ~~or~~

(L) HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT OR A MINOR IN VIOLATION OF SECTION 18-3-503; OR

(M) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OF AN ADULT OR A MINOR IN VIOLATION OF SECTION 18-3-504.

SECTION 3. In Colorado Revised Statutes, 18-3-503, **add** (3) as follows:

18-3-503. Human trafficking for involuntary servitude - human trafficking of a minor for involuntary servitude. (3) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE PURSUANT TO THIS SECTION IF THE PERSON BEING CHARGED, AT THE TIME OF THE OFFENSE, WAS A VICTIM OF HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE WHO WAS FORCED OR COERCED INTO ENGAGING IN HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE PURSUANT TO THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 18-3-504, **amend** (2.5) as follows:

18-3-504. Human trafficking for sexual servitude - human trafficking of a minor for sexual servitude. (2.5) It is an affirmative defense to a charge pursuant to ~~subsection (2) of this section~~ if the person being charged, ~~can demonstrate by a preponderance of the evidence that,~~ at the time of the offense, ~~he or she~~ was a victim of human trafficking for sexual servitude who was forced or coerced into engaging in the human trafficking of minors for sexual servitude pursuant to ~~subsection (2) of this section.~~

SECTION 5. In Colorado Revised Statutes, 16-5-401, **amend** (6), (8)(a) introductory portion, (8)(a.3) introductory portion, (8)(a.5) introductory portion, (8)(a.7)(I), and (8)(a.7)(II) as follows:

16-5-401. Limitation for commencing criminal proceedings, civil infraction proceedings, and juvenile delinquency proceedings - definitions. (6) Except as otherwise provided in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses against children, ~~or~~ felony sexual assault in violation of section 18-3-402, ~~C.R.S.~~, HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT OR A MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504 (1), the period of time during which an adult person or juvenile may be prosecuted ~~shall be~~ is extended for an additional seven years as to any offense or delinquent act charged under section 18-6-403 ~~C.R.S.~~, or charged as criminal attempt, conspiracy, or solicitation to commit any of the acts specified in said sections.

(8) (a) Except as otherwise provided in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses against children, ~~or~~ felony sexual assault in violation of section 18-3-402, ~~C.R.S.~~, HUMAN TRAFFICKING

FOR INVOLUNTARY SERVITUDE OF AN ADULT OR A MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504 (1), and except as otherwise provided in paragraphs (a.3) and (a.5) of this subsection (8) SUBSECTIONS (8)(a.3) AND (8)(a.5) OF THIS SECTION, the period of time during which an adult person or juvenile may be prosecuted shall be IS ten years after the commission of the offense or delinquent act as to any offense or delinquent act:

(a.3) Except as otherwise provided in paragraph (a) of subsection (1) SUBSECTION (1)(a) of this section concerning sex offenses against children, or felony sexual assault in violation of section 18-3-402, ~~C.R.S.~~, HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT OR A MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504 (1), if the victim at the time of the commission of an offense or delinquent act is a child under eighteen years of age, the period of time during which an adult person or juvenile may be prosecuted shall be IS ten years after such THE victim reaches the age of eighteen years as to any offense or delinquent act:

(a.5) Except as otherwise provided in paragraph (a) of subsection (1) SUBSECTION (1)(a) of this section concerning sex offenses against children, or felony sexual assault in violation of section 18-3-402, ~~C.R.S.~~, HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT OR A MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504 (1), in any case in which the identity of the defendant or juvenile is determined, in whole or in part, by patterned chemical structure of genetic information, and in which the offense has been reported to a law enforcement agency, as defined in section 26-1-114 (3)(a)(III)(B), ~~C.R.S.~~, within ten years after the commission of the offense, there shall be IS no limit on the period of time during which a person may be prosecuted after the commission of the offense as to any offense or delinquent act charged:

(a.7) (I) Except as otherwise provided in paragraph (a) of subsection (1) SUBSECTION (1)(a) of this section pertaining to sex offenses against children and except as otherwise provided in paragraphs (a.3) and (a.5) of this subsection (8) SUBSECTIONS (8)(a.3) AND (8)(a.5) OF THIS SECTION, the period of time during which an adult person or juvenile may be prosecuted shall be IS twenty years after the commission of the offense or delinquent act as to any offense or delinquent act charged as a felony under section 18-3-402, ~~C.R.S.~~, 18-3-503, OR 18-3-504 (1), or as criminal attempt, conspiracy, or solicitation to commit a felony under section 18-3-402, ~~C.R.S.~~ 18-3-503, OR 18-3-504 (1).

(II) Except as otherwise provided in paragraph (a) of subsection (1) SUBSECTION (1)(a) of this section concerning sex offenses against children, if the victim at the time of the commission of an offense or delinquent act is a child under eighteen years of age, the period of time during which an adult person or juvenile may be prosecuted shall be IS twenty years after such THE victim reaches eighteen years of age as to any offense or delinquent act charged as a felony under section 18-3-402, ~~C.R.S.~~, 18-3-503, OR 18-3-504 (1), or as criminal attempt, conspiracy, or solicitation to commit a felony under section 18-3-402, ~~C.R.S.~~, 18-3-503, OR 18-3-504 (1).

SECTION 6. 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: April 11, 2024