

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 2, 2024  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB24-1345 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, after line 15 insert:  
2 "SECTION 3. In Colorado Revised Statutes, 18-3-505, **amend**  
3 (3)(a) as follows:  
4 **18-3-505. Human trafficking council - created - duties - repeal.**  
5 (3) (a) Except as provided by subsection (3)(b) of this section, each  
6 council member must serve at the pleasure of his or her appointing  
7 authority for a term of four years. The appointing authority may reappoint  
8 the council member for an additional term or terms. Council members  
9 must serve without compensation ~~but~~ WITH THE EXCEPTION OF THE  
10 APPOINTED SURVIVOR COUNCIL MEMBERS WHO MUST RECEIVE AN HOURLY  
11 RATE FOR THE TIME FOR EACH COUNCIL MEETING ATTENDED, NOT TO  
12 EXCEED EIGHT HOURS PER MEETING AT THE CURRENT APPLICABLE EXPERT  
13 RATE AS STATED IN CHIEF JUSTICE DIRECTIVE 12-03. ALL COUNCIL  
14 MEMBERS may be reimbursed for actual travel expenses incurred in the  
15 performance of their duties.  
16 **SECTION 4.** In Colorado Revised Statutes, 24-30-2102, **amend**  
17 (1) and (1.5) as follows:  
18 **24-30-2102. Legislative declaration.** (1) The general assembly  
19 finds and declares that a person attempting to escape from actual or  
20 threatened domestic violence, a sexual offense, HUMAN TRAFFICKING, or  
21 stalking frequently moves to a new address in order to prevent an  
22 assailant or potential assailant from finding the victim. This new address,  
23 however, is only useful if an assailant or potential assailant does not  
24 discover it. Additionally, people involved in the provision of reproductive  
25 health care are at a heightened risk of actual or threatened violence,  
26 stalking, or other social harms.  
27 (1.5) Therefore, in order to help victims of domestic violence, a  
28 sexual offense, HUMAN TRAFFICKING, or stalking, and to assist and protect

1 individuals involved in the provision of reproductive health care, it is the  
2 intent of the general assembly to establish an address confidentiality  
3 program, whereby the confidentiality of a victim's or an individual  
4 involved in the provision of reproductive health care's address may be  
5 maintained through, among other things, the use of a substitute address  
6 for purposes of public records and confidential mail forwarding.

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

9 **24-30-2103. Definitions.** As used in this part 21, unless the  
10 context otherwise requires:

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

16 (7.5) "HUMAN TRAFFICKING" MEANS AN ACT DESCRIBED IN  
17 SECTION 18-3-503 OR 18-3-504.

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

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

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

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

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

36 **24-30-2105. Filing and certification of applications -**  
37 **authorization card.** (3) The application must be on a form prescribed by  
38 the executive director or the executive director's designee and must  
39 contain the following:

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

43 (c) Evidence that the applicant is a victim of domestic violence,

1 a sexual offense, HUMAN TRAFFICKING, or stalking, if applicable. This  
2 evidence may include any of the following:

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

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

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

16 **24-30-2112. Participation in the program - orders relating to**  
17 **allocation of parental responsibilities or parenting time.** (2) Program  
18 participation does not constitute evidence of domestic violence, a sexual  
19 offense, HUMAN TRAFFICKING, or stalking and shall not be considered for  
20 purposes of making an order allocating parental responsibilities or  
21 parenting time; except that a court may consider practical measures to  
22 keep a program participant's actual address confidential when making an  
23 order allocating parental responsibilities or parenting time.

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

26 **24-30-2114. Surcharge - collection and distribution - address**  
27 **confidentiality program surcharge fund - creation - definitions.**  
28 (2) The following crimes shall be subject to the surcharge set forth in  
29 subsection (1) of this section:

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

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

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

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

41 **18-1-410.7. Vacating certain criminal convictions for victims**  
42 **of human trafficking.** (1) (a) AN INDIVIDUAL MAY FILE A MOTION WITH  
43 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 THAT OBTAINED THE CONVICTION.

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

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

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

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

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

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

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

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

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

1 Renumber succeeding section accordingly.

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