

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0216.01 Richard Sweetman x4333

SENATE BILL 18-055

SENATE SPONSORSHIP

Neville T.,

HOUSE SPONSORSHIP

(None),

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CRIMES AGAINST CHILDREN SURCHARGE IN CASES
102 INVOLVING TRAFFICKING OF CHILDREN.

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>.)

Current law requires each person who is convicted of a crime against a child to pay a surcharge to the clerk of the court for the judicial district in which the conviction occurs. The bill adds the crime of human trafficking of a minor for sexual servitude to the definition of crime against a child for purposes of the surcharge. For a class 2 felony, the amount of the fine is \$1,500. The bill states that if the class 2 felony is for

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

human trafficking of a minor for involuntary servitude or for human trafficking of a minor for sexual servitude, then the amount of the fine is \$3,000. Additionally, in cases where an offender is required to pay the new surcharge, the court is encouraged to delay any finding of indigence until 6 months after the offender's conviction, at which time the court may require the defendant or defendant's counsel to submit documents that substantiate the defendant's indigence.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-24-102, **amend**
3 (2) introductory portion and (2)(a); and **add** (3) as follows:

4 **18-24-102. Surcharge.** (2) Surcharges pursuant to subsection (1)
5 of this section ~~shall be~~ ARE in the following amounts:

6 (a) For each class 2 felony of which a person is convicted, EXCEPT
7 AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, one thousand five
8 hundred dollars;

9 (3) FOR THE PURPOSES OF SUBSECTION (2)(a) OF THIS SECTION, IF
10 THE CLASS 2 FELONY OF WHICH THE PERSON IS CONVICTED IS FOR HUMAN
11 TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, AS DESCRIBED
12 IN SECTION 18-3-503, OR FOR HUMAN TRAFFICKING OF A MINOR FOR
13 SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504, THEN THE
14 PERSON IS REQUIRED TO PAY A SURCHARGE IN THE AMOUNT OF THREE
15 THOUSAND DOLLARS.

16 **SECTION 2.** In Colorado Revised Statutes, 18-24-103, **amend**
17 (3) as follows:

18 **18-24-103. Collection and distribution of funds - child abuse**
19 **investigation surcharge fund - creation.** (3) The court may waive all
20 or any portion of the surcharge required by section 18-24-102 if the court
21 finds that a person convicted of a crime against a child is indigent or
22 financially unable to pay all or any portion of the surcharge. The court

1 may waive only that portion of the surcharge that the court finds that the
2 person convicted of a crime against a child is financially unable to pay.
3 IN CASES WHERE AN OFFENDER IS REQUIRED TO PAY A SURCHARGE AS
4 DESCRIBED IN SECTION 18-24-102 (3), THE COURT IS ENCOURAGED TO
5 DELAY ANY FINDING OF INDIGENCE UNTIL SIX MONTHS AFTER THE
6 OFFENDER'S CONVICTION, AT WHICH TIME THE COURT MAY REQUIRE THE
7 DEFENDANT OR DEFENDANT'S COUNSEL TO SUBMIT DOCUMENTS THAT
8 SUBSTANTIATE THE DEFENDANT'S INDIGENCE. THE DOCUMENTS MAY
9 INCLUDE DOCUMENTS ESTABLISHING INCOME.

10 **SECTION 3.** In Colorado Revised Statutes, 18-24-101, **amend**
11 the introductory portion, (2)(f), and (2)(g); and **add** (2)(h) as follows:

12 **18-24-101. Definitions.** As used in this ~~article~~ ARTICLE 24, unless
13 the context otherwise requires:

14 (2) "Crime against a child" means any offense listed in section
15 18-3-411, or criminal attempt, conspiracy, or solicitation to commit any
16 of those offenses, and any of the following offenses, or criminal attempt,
17 conspiracy, or solicitation to commit any of the following offenses:

18 (f) Invasion of privacy for sexual gratification, in violation of
19 section 18-3-405.6, when the victim is a child; ~~or~~

20 (g) Human trafficking of a minor for involuntary servitude, in
21 violation of section 18-3-503; OR

22 (h) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, IN
23 VIOLATION OF SECTION 18-3-504.

24 **SECTION 4. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2018 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.