

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0331.01 Michael Dohr x4347

SENATE BILL 24-035

SENATE SPONSORSHIP

Pelton B. and Fields,

HOUSE SPONSORSHIP

Winter T.,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING STRENGTHENING THE ENFORCEMENT OF HUMAN**
102 **TRAFFICKING FOR SERVITUDE.**

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>.)

Under current law, "crimes of violence" are subject to enhanced sentencing. The bill adds human trafficking of an adult or a minor for the purpose of involuntary servitude and human trafficking of an adult or a minor for sexual servitude to the list of crimes of violence that are subject to enhanced sentencing. The bill makes the statute of limitations for human trafficking of an adult or a minor for the purpose of involuntary

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

servitude and human trafficking of an adult for sexual servitude 20 years. The bill does not change the unlimited statute of limitations for human trafficking for sexual servitude of a minor.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-1-104, **amend**
3 (8.5)(a)(I) as follows:

4 **16-1-104. Definitions.** (8.5) (a) (I) "Crime of violence" means a
5 crime in which the defendant used, or possessed and threatened the use
6 of, a deadly weapon during the commission or attempted commission of
7 any crime committed against an elderly person or a person with a
8 disability or a crime of murder, first or second degree assault, kidnapping,
9 sexual assault, robbery, first degree arson, first or second degree burglary,
10 escape, ~~or~~ criminal extortion, HUMAN TRAFFICKING FOR INVOLUNTARY
11 SERVITUDE OF AN ADULT OR A MINOR, OR HUMAN TRAFFICKING FOR
12 SEXUAL SERVITUDE OF AN ADULT OR A MINOR, or during the immediate
13 flight therefrom, or the defendant caused serious bodily injury or death to
14 any person, other than ~~himself or herself~~ TO THE DEFENDANT or another
15 participant, during the commission or attempted commission of ~~any such~~
16 THE felony or during the immediate flight therefrom.

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

20 **18-1.3-406. Mandatory sentences for violent crimes -**
21 **definitions.** (2) (a) (II) ~~Subparagraph (I) of this paragraph (a)~~
22 SUBSECTION (2)(a)(I) OF THIS SECTION applies to the following crimes:

23 (J) Criminal extortion; ~~or~~

24 (L) HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN

1 ADULT OR A MINOR IN VIOLATION OF SECTION 18-3-503; OR

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

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

7 **16-5-401. Limitation for commencing criminal proceedings,**
8 **civil infraction proceedings, and juvenile delinquency proceedings -**
9 **definitions.** (6) Except as otherwise provided in ~~paragraph (a) of~~
10 ~~subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses
11 against children, ~~or~~ felony sexual assault in violation of section 18-3-402,
12 ~~C.R.S.~~, HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT
13 OR A MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING
14 FOR SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504
15 (1), the period of time during which an adult person or juvenile may be
16 prosecuted ~~shall be~~ IS extended for an additional seven years as to any
17 offense or delinquent act charged under section 18-6-403 ~~C.R.S.~~, or
18 charged as criminal attempt, conspiracy, or solicitation to commit any of
19 the acts specified in said sections.

20 (8) (a) Except as otherwise provided in ~~paragraph (a) of~~
21 ~~subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses
22 against children, ~~or~~ felony sexual assault in violation of section 18-3-402,
23 ~~C.R.S.~~, HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT
24 OR A MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING
25 FOR SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504
26 (1), and except as otherwise provided in ~~paragraphs (a.3) and (a.5) of this~~
27 ~~subsection (8)~~ SUBSECTIONS (8)(a.3) AND (8)(a.5) OF THIS SECTION, the

1 period of time during which an adult person or juvenile may be
2 prosecuted ~~shall be~~ IS ten years after the commission of the offense or
3 delinquent act as to any offense or delinquent act:

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

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

1 (a.7) (I) Except as otherwise provided in ~~paragraph (a) of~~
2 ~~subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses
3 against children and except as otherwise provided in ~~paragraphs (a.3) and~~
4 ~~(a.5) of this subsection (8)~~ SUBSECTIONS (8)(a.3) AND (8)(a.5) OF THIS
5 SECTION, the period of time during which an adult person or juvenile may
6 be prosecuted ~~shall be~~ IS twenty years after the commission of the offense
7 or delinquent act as to any offense or delinquent act charged as a felony
8 under section 18-3-402, ~~€R.S.~~, 18-3-503, OR 18-3-504 (1), or as criminal
9 attempt, conspiracy, or solicitation to commit a felony under section
10 18-3-402, ~~€R.S.~~ 18-3-503, OR 18-3-504 (1).

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

21 **SECTION 4. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.