

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0331.01 Michael Dohr x4347

SENATE BILL 24-035

SENATE SPONSORSHIP

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Senate Committees
Judiciary

House Committees
Judiciary

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.

HOUSE
3rd Reading Unamended
March 25, 2024

HOUSE
Amended 2nd Reading
March 22, 2024

SENATE
3rd Reading Unamended
February 28, 2024

SENATE
Amended 2nd Reading
February 27, 2024

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 = █
3 **SECTION 1.** In Colorado Revised Statutes, 16-1-104, **amend**
4 (8.5)(a)(I) as follows:

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

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

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

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

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

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

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

7 **18-3-503. Human trafficking for involuntary servitude -**
8 **human trafficking of a minor for involuntary servitude.** (3) IT IS AN
9 AFFIRMATIVE DEFENSE TO A CHARGE PURSUANT TO THIS SECTION IF THE
10 PERSON BEING CHARGED, AT THE TIME OF THE OFFENSE, WAS A VICTIM OF
11 HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE WHO WAS FORCED OR
12 COERCED INTO ENGAGING IN HUMAN TRAFFICKING FOR INVOLUNTARY
13 SERVITUDE PURSUANT TO THIS SECTION.

14 **SECTION 4.** In Colorado Revised Statutes, 18-3-504, **amend**
15 (2.5) as follows:

16 **18-3-504. Human trafficking for sexual servitude - human**
17 **trafficking of a minor for sexual servitude.** (2.5) It is an affirmative
18 defense to a charge pursuant to ~~subsection (2)~~ of this section if the person
19 being charged, ~~can demonstrate by a preponderance of the evidence that,~~
20 ~~at the time of the offense, he or she~~ was a victim of human trafficking for
21 sexual servitude who was forced or coerced into engaging in ~~the human~~
22 ~~trafficking of minors~~ for sexual servitude pursuant to ~~subsection (2)~~ of
23 this section.

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

27 **16-5-401. Limitation for commencing criminal proceedings,**

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

13 (8) (a) Except as otherwise provided in ~~paragraph (a) of~~
14 ~~subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses
15 against children, ~~or~~ felony sexual assault in violation of section 18-3-402,
16 ~~€R.S.~~, HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT
17 OR A MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING
18 FOR SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF SECTION 18-3-504
19 (1), and except as otherwise provided in ~~paragraphs (a.3) and (a.5) of this~~
20 ~~subsection (8)~~ SUBSECTIONS (8)(a.3) AND (8)(a.5) OF THIS SECTION, the
21 period of time during which an adult person or juvenile may be
22 prosecuted ~~shall be~~ IS ten years after the commission of the offense or
23 delinquent act as to any offense or delinquent act:

24 (a.3) Except as otherwise provided in ~~paragraph (a) of subsection~~
25 ~~(1)~~ SUBSECTION (1)(a) of this section concerning sex offenses against
26 children, ~~or~~ felony sexual assault in violation of section 18-3-402, ~~€R.S.~~,
27 HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OF AN ADULT OR A

1 MINOR IN VIOLATION OF SECTION 18-3-503, OR HUMAN TRAFFICKING FOR
2 SEXUAL SERVITUDE OF AN ADULT IN VIOLATION OF 18-3-504 (1), if the
3 victim at the time of the commission of an offense or delinquent act is a
4 child under eighteen years of age, the period of time during which an
5 adult person or juvenile may be prosecuted ~~shall be~~ IS ten years after ~~such~~
6 THE victim reaches the age of eighteen years as to any offense or
7 delinquent act:

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

21 (a.7) (I) Except as otherwise provided in ~~paragraph (a) of~~
22 ~~subsection (1)~~ SUBSECTION (1)(a) of this section pertaining to sex offenses
23 against children and except as otherwise provided in ~~paragraphs (a.3) and~~
24 ~~(a.5) of this subsection (8)~~ SUBSECTIONS (8)(a.3) AND (8)(a.5) OF THIS
25 SECTION, the period of time during which an adult person or juvenile may
26 be prosecuted ~~shall be~~ IS twenty years after the commission of the offense
27 or delinquent act as to any offense or delinquent act charged as a felony

1 under section 18-3-402, ~~C.R.S.~~, 18-3-503, OR 18-3-504 (1), or as criminal
2 attempt, conspiracy, or solicitation to commit a felony under section
3 18-3-402, ~~C.R.S.~~ 18-3-503, OR 18-3-504 (1).

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

14 **SECTION 6. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.