

CHAPTER 250

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 17-1072

BY REPRESENTATIVE(S) Landgraf and Lawrence, Buck, Carver, Thurlow, Covarrubias, Hooton, Humphrey, Kraft-Tharp, McKean, Pettersen, Rosenthal, Van Winkle, Williams D., Wilson, Beckman, Esgar, Herod, Liston, Navarro, Ransom, Saine, Sias; also SENATOR(S) Cooke, Aguilar, Baumgardner, Court, Crowder, Fenberg, Fields, Garcia, Gardner, Guzman, Hill, Holbert, Jahn, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Priola, Scott, Smallwood, Tate, Todd, Zenzinger, Grantham.

AN ACT**CONCERNING HUMAN TRAFFICKING FOR SEXUAL SERVITUDE.**

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

SECTION 1. In Colorado Revised Statutes, 18-3-502, **add** (11.5) as follows:

18-3-502. Definitions. As used in this part 5, unless the context otherwise requires:

(11.5) "TRAVEL SERVICES" INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING SERVICES, OFFERED EITHER ON A WHOLESALE OR RETAIL BASIS:

- (a) TRANSPORTATION BY AIR, SEA, ROAD, OR RAIL;
- (b) RELATED GROUND TRANSPORTATION;
- (c) HOTEL ACCOMMODATIONS; OR
- (d) PACKAGE TOURS.

SECTION 2. In Colorado Revised Statutes, 18-3-504, **amend** (2)(a); and **add** (2.5) as follows:

18-3-504. Human trafficking for sexual servitude - human trafficking of a minor for sexual servitude. (2) (a) (I) A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

means, maintains, or makes available a minor for the purpose of commercial sexual activity commits human trafficking of a minor for sexual servitude.

(II) A PERSON WHO KNOWINGLY ADVERTISES, OFFERS TO SELL, OR SELLS TRAVEL SERVICES THAT FACILITATE AN ACTIVITY PROHIBITED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION COMMITS 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 3. In Colorado Revised Statutes, 16-22-102, **amend** the introductory portion; and **add** (9)(j.5) as follows:

16-22-102. Definitions. As used in this ~~article~~ ARTICLE 22, unless the context otherwise requires:

(9) "Unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(j.5) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (1);

SECTION 4. In Colorado Revised Statutes, 16-22-113, **add** (1)(a.5) as follows:

16-22-113. Petition for removal from registry. (1) Except as otherwise provided in subsection (3) of this section, any person required to register pursuant to section 16-22-103 or whose information is required to be posted on the internet pursuant to section 16-22-111 may file a petition with the court that issued the order of judgment for the conviction that requires the person to register for an order to discontinue the requirement for such registration or internet posting, or both, as follows:

(a.5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1)(d), (1)(e), AND (1)(f) OF THIS SECTION, IF THE OFFENSE THAT REQUIRED THE PERSON TO REGISTER CONSTITUTED HUMAN TRAFFICKING FOR SEXUAL SERVITUDE PURSUANT TO SECTION 18-3-504 (1)(a), UPON COMPLETION OF THE PERSON'S SENTENCE AND HIS OR HER DISCHARGE FROM THE DEPARTMENT OF CORRECTIONS, IF HE OR SHE WAS SENTENCED TO INCARCERATION, OR DISCHARGE FROM THE DEPARTMENT OF HUMAN SERVICES, IF HE OR SHE WAS COMMITTED TO SUCH DEPARTMENT, OR FINAL RELEASE FROM THE JURISDICTION OF THE COURT FOR THE OFFENSE, IF THE PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, THE PERSON MAY FILE A PETITION WITH THE COURT PURSUANT TO SUBSECTION (2) OF THIS SECTION. NOTWITHSTANDING ANY OTHER INFORMATION OBTAINED BY THE COURT DURING THE HEARING OF THE PETITION, A COURT SHALL NOT ISSUE AN ORDER DISCONTINUING THE PETITIONER'S DUTY TO REGISTER UNLESS

THE PETITIONER HAS AT LEAST ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE THAT AT THE TIME HE OR SHE COMMITTED THE OFFENSE OF HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, HE OR SHE HAD BEEN TRAFFICKED BY ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-503 OR 18-3-504, FOR THE PURPOSE OF COMMITTING THE OFFENSE. FAILURE TO MAKE THE REQUIRED SHOWING PURSUANT TO THIS SUBSECTION (1)(a.5) REQUIRES THE PERSON TO COMPLY WITH THE PROVISIONS OF SUBSECTION (1)(a) OF THIS SECTION FOR ANY SUBSEQUENT PETITION TO DISCONTINUE THE PERSON'S DUTY TO REGISTER.

SECTION 5. Effective date - applicability. This act takes effect September 1, 2017, and applies to offenses committed on or after said date.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 2017