

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 16-0946.01 Richard Sweetman x4333

HOUSE BILL 16-1224

HOUSE SPONSORSHIP

Lundeen, Becker J., Carver, Nordberg

SENATE SPONSORSHIP

Woods,

House Committees

Public Health Care & Human Services

Senate Committees

Judiciary

A BILL FOR AN ACT

101 CONCERNING CHILD ABUSE INVOLVING HUMAN TRAFFICKING OF
102 MINORS.

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://www.leg.state.co.us/billsummaries>.)

The bill amends the statutory definition of "child abuse or neglect" to include any case in which a child is subjected to human trafficking for involuntary servitude or human trafficking for sexual servitude.

If a county or district department of human or social services (county department) reasonably believes that a child has been subjected to human trafficking, it shall immediately offer social services to the child

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

SENATE
Amended 2nd Reading
March 30, 2016

HOUSE
3rd Reading Unamended
March 15, 2016

HOUSE
Amended 2nd Reading
March 14, 2016

and to his or her family, and the county department may file a petition in court on behalf of the child. If immediate removal is necessary to protect the child or other children under the same care from further abuse, the child or children may be placed in protective custody.

The department of human services and each county department shall implement a uniform screening tool that includes questions that are intended to identify children who are victims of human trafficking for involuntary servitude or human trafficking for sexual servitude or who are at risk of being such victims.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **add** (1) (a)
3 (VIII) and (23.5) as follows:

4 **19-1-103. Definitions - repeal.** As used in this title or in the
5 specified portion of this title, unless the context otherwise requires:

6 (1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of
7 article 3 of this title, means an act or omission in one of the following
8 categories that threatens the health or welfare of a child:

9 (VIII) ANY CASE IN WHICH A CHILD IS SUBJECTED TO HUMAN
10 TRAFFICKING OF A MINOR FOR ■ ■ SEXUAL SERVITUDE, AS DESCRIBED IN
11 SECTION 18-3-504, C.R.S.

12 (23.5) "COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN"
13 INVOLVES CRIMES OF A SEXUAL NATURE COMMITTED AGAINST JUVENILE
14 VICTIMS FOR FINANCIAL OR OTHER ECONOMIC REASONS.

15 **SECTION 2.** In Colorado Revised Statutes, 19-3-308, **add** (4) (c)
16 as follows:

17 **19-3-308. Action upon report of intrafamilial, institutional, or**
18 **third-party abuse - investigations - child protection team - rules.**

19 (4) (c) UPON THE RECEIPT OF A REPORT, IF THE COUNTY DEPARTMENT
20 ASSESSMENT CONCLUDES THAT A CHILD HAS BEEN A VICTIM OF

1 INTRAFAMILIAL, INSTITUTIONAL, OR THIRD-PARTY ABUSE OR NEGLECT IN
2 WHICH HE OR SHE HAS BEEN SUBJECTED TO HUMAN TRAFFICKING OF A █
3 █ MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504,
4 C.R.S.; OR COMMERCIAL SEXUAL EXPLOITATION OF A CHILD, IT SHALL,
5 WHEN NECESSARY AND APPROPRIATE, IMMEDIATELY OFFER SOCIAL
6 SERVICES TO THE CHILD WHO IS THE SUBJECT OF THE REPORT AND TO HIS
7 OR HER FAMILY, AND IT MAY FILE A PETITION IN THE JUVENILE COURT OR
8 THE DISTRICT COURT WITH JUVENILE JURISDICTION ON BEHALF OF SUCH
9 CHILD. IF, AT ANY TIME AFTER THE COMMENCEMENT OF AN
10 INVESTIGATION, THE COUNTY DEPARTMENT HAS REASONABLE CAUSE TO
11 SUSPECT THAT THE CHILD OR ANY OTHER CHILD UNDER THE SAME CARE IS
12 A VICTIM OF HUMAN TRAFFICKING, THE COUNTY DEPARTMENT SHALL
13 NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY AS SOON AS IT IS
14 REASONABLY PRACTICABLE TO DO SO. █ IF IMMEDIATE REMOVAL IS
15 NECESSARY TO PROTECT THE CHILD OR OTHER CHILDREN UNDER THE SAME
16 CARE FROM FURTHER ABUSE, THE CHILD OR CHILDREN MAY BE PLACED IN
17 PROTECTIVE CUSTODY IN ACCORDANCE WITH SECTIONS 19-3-401 (1) (a)
18 AND 19-3-405. IN INSTANCES OF THIRD-PARTY ABUSE OR NEGLECT AS IT
19 RELATES TO HUMAN TRAFFICKING, A COUNTY DEPARTMENT OF SOCIAL
20 SERVICES MAY, BUT IS NOT REQUIRED TO, INTERVIEW THE PERSON
21 ALLEGED TO BE RESPONSIBLE FOR THE ABUSE OR NEGLECT OR TO PREPARE
22 AN INVESTIGATIVE REPORT PURSUANT TO PARAGRAPH (a) OF SUBSECTION
23 (5.3) OF THIS SECTION. IF A COUNTY DEPARTMENT ELECTS TO INTERVIEW
24 THE THIRD-PARTY INDIVIDUAL, IT SHALL FIRST CONFER WITH ITS LOCAL
25 LAW ENFORCEMENT AGENCY.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 19-3-317 as
27 follows:

1 **19-3-317. Screening tool - human trafficking.** ON AND AFTER
2 THE EFFECTIVE DATE OF THIS SECTION, PURSUANT TO THE FEDERAL
3 "PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT",
4 PUB.L. 113-183, THE DEPARTMENT AND EACH COUNTY DEPARTMENT, AS
5 DEFINED IN SECTION 19-1-103 (32) (a), SHALL IMPLEMENT A UNIFORM
6 SCREENING TOOL THAT INCLUDES QUESTIONS THAT ARE INTENDED TO
7 IDENTIFY CHILDREN WHO ARE VICTIMS OF HUMAN TRAFFICKING OF A ■ ■
8 MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504,
9 C.R.S., OR COMMERCIAL SEXUAL EXPLOITATION OF A CHILD, OR WHO ARE
10 AT RISK OF BEING SUCH VICTIMS.

11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect January 1, 2017; except that, if a referendum petition is filed
13 pursuant to section 1 (3) of article V of the state constitution against this
14 act or an item, section, or part of this act within the ninety-day period
15 after final adjournment of the general assembly, then the act, item,
16 section, or part will not take effect unless approved by the people at the
17 general election to be held in November 2016 and, in such case, will take
18 effect on January 1, 2017, or on the date of the official declaration of the
19 vote thereon by the governor, whichever is later.