



Legislative Council Staff

Research Note

Version: Final

Date: 10/04/16

Bill Number

House Bill 16-1224

Sponsors

***Representative Lundeen,
Senator Woods***

Short Title

***Treat Trafficking of Children as
Child Abuse***

Research Analyst

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Status

This research note reflects the final version of the bill. The bill becomes effective January 1, 2017.

Summary

The bill adds human trafficking of a minor for sexual servitude or commercial sexual exploitation of a child to the definition of "abuse" or "child abuse or neglect" for dependency and neglect cases. The bill requires county departments of human or social services, when necessary and appropriate, to offer services immediately to any child reported to be a victim of sexual trafficking or sexual exploitation and allows county departments to file a petition in juvenile court on behalf of the child. County departments must inform local law enforcement if investigators believe the child or other children have been victims of trafficking, and, in these cases, county departments may place the child or children in protective custody. In cases of third-party abuse or neglect as it relates to human trafficking, a county department may interview the person alleged to be responsible for the abuse or neglect or prepare an investigative report, after consulting with local law enforcement. Finally, the bill requires the Colorado Department of Human Services (CDHS) and county departments to implement a uniform screening tool for identifying children who are victims, or are at risk of becoming victims, of sexual trafficking or sexual exploitation.

Background

Human trafficking for sexual servitude is defined as when a person knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means another person for the purposes of coercing the other person to engage in commercial sexual activity. Under current law, human trafficking of a minor for sexual servitude is a class 2 felony.

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Commercial sexual exploitation of minors involves crimes of a sexual nature committed against minor victims for financial gain.

HB 16-1224 adds human trafficking and commercial sexual exploitation of minors to the definition of child abuse or neglect under the Colorado Children's Code. Under the code, county departments respond to reports of child abuse and neglect and may provide services to promote the well being and safety of the child. In addition, law enforcement may respond to reports of child abuse or neglect within a family or involving third parties as part of a criminal investigation or to respond to an urgent situation.

House Action

House Public Health and Human Services Committee (March 8, 2016). At the hearing, representatives from the Jefferson County Department of Human Services, the Colorado Coalition Against Sexual Assault, CDHS, and the Colorado District Attorney's Council testified in support of the bill. One private citizen testified in opposition to the bill. The committee passed amendments L.002, L.003, and L.005, and referred the bill, as amended, to the House Committee of the Whole.

Amendment L.002 added commercial sexual exploitation of children to the provisions of the bill requiring county departments of social services to offer services to a child and his or her family and revised language regarding notification of local law enforcement. Amendment L.003 clarified that social services are to be offered to a child when necessary and appropriate, and amendment L.005 removed the bill's provisions related to trafficking of a minor for involuntary servitude.

House second reading (March 14, 2016). The House adopted the House Public Health Care and Human Services committee report and amendment No. 2, and passed the bill on second reading, as amended. Amendment No. 2 changed the effective date of the bill to January 1, 2017.

House third reading (March 15, 2016). The House passed the bill on third reading with no amendments.

Senate Action

Senate Judiciary Committee (March 28, 2016). At the hearing, representatives from Jefferson County Human Services, the Colorado District Attorney's Council, CDHS, the Colorado Attorney General's Office, the Colorado Coalition Against Sexual Assault, and Colorado Counties, Inc. testified in support of the bill. A private citizen testified in opposition to the bill. The committee passed amendment L.012, and referred the bill to the Senate Committee of the Whole, as amended.

Amendment L.012 clarified that a county department of social services may interview a person alleged to be responsible for abuse or neglect in instances of third-party abuse or neglect related to human trafficking. The county department must confer with local law enforcement in these instances.

Senate second reading (March 30, 2016). The Senate adopted the Senate Judiciary Committee report and amendment No. 2, and passed the bill on second reading, as amended. Amendment No. 2 clarified that in stances of third-party abuse or neglect, a county department of social services may, but is not required, to prepare an investigative report.

Senate third reading (March 31, 2016). The Senate passed the bill on third reading with no

amendments.

Consideration of Amendments

Consideration of amendments (April 1, 2016). The House concurred with Senate amendments and repassed the bill.

Relevant Research

Colorado Commission on Criminal and Juvenile Justice, *Human Trafficking and Slavery - Report to the Judiciary Committees*, October 2013. <http://bit.ly/2cbm3hn>.