

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

ENGROSSED

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

LLS NO. 22-0352.02 Jane Ritter x4342

HOUSE BILL 22-1288

HOUSE SPONSORSHIP

Titone and Soper, Bacon, Benavidez, Boesenecker, Lynch, Van Beber, Woodrow

SENATE SPONSORSHIP

Smallwood and Lee,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING ACCESS TO ASSISTANCE FOR VICTIMS BY**
102 **PROVIDING IMMUNITY FROM PROSECUTION FOR THE OFFENSE**
103 **OF PROSTITUTION IN SPECIFIC CIRCUMSTANCES.**

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>.)

The bill grants immunity to the charge of prostitution, soliciting for prostitution, or prostitute making display (prostitution offense) to a person who seeks assistance from a law enforcement officer, the 911 system, or a medical provider for a victim or as a victim of a violent crime or offense (crime) if the evidence for the charge of a prostitution offense was

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

HOUSE
Amended 2nd Reading
March 18, 2022

obtained as a result of the person seeking assistance or as a result of the need for assistance. A person who receives immunity for a prostitution offense is not immune from prosecution for other offenses, and a district attorney or law enforcement officer may obtain or use evidence obtained from a report, recording, or other statement provided as a result of the initial prostitution offense to prosecute any other offense.

For the purposes of the bill, "person" is defined as the victim of the crime, a person who is a victim of human trafficking for sexual servitude, or a witness to the crime. The bill sets forth the applicable violent crimes or offenses.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-1-712.5 as
3 follows:

4 **18-1-712.5. Immunity for sex workers and persons who are**
5 **victims of human trafficking for sexual servitude and who suffer or**
6 **report an assault - definition.** (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES, "PERSON" MEANS:

8 (a) A PERSON WHO IS THE VICTIM OF AN OFFENSE SET FORTH IN
9 SUBSECTION (3) OF THIS SECTION;

10 (b) A PERSON WHO IS A VICTIM OF HUMAN TRAFFICKING OF A
11 MINOR FOR SEXUAL SERVITUDE PURSUANT TO SECTION 18-3-504; OR

12 (c) A WITNESS TO AN OFFENSE SET FORTH IN SUBSECTION (3) OF
13 THIS SECTION.

14 (2) A PERSON IS IMMUNE FROM ARREST AND PROSECUTION FOR
15 PROSTITUTION AS DESCRIBED IN SECTION 18-7-201, SOLICITING FOR
16 PROSTITUTION AS DESCRIBED IN SECTION 18-7-202, AND A PROSTITUTE
17 MAKING DISPLAY AS DESCRIBED IN SECTION 18-7-207, IF THE PERSON
18 SEEKS ASSISTANCE FROM A LAW ENFORCEMENT OFFICER, THE 911 SYSTEM,
19 OR A MEDICAL PROVIDER AND IF THE EVIDENCE FOR THE CHARGE OF
20 PROSTITUTION, SOLICITING PROSTITUTION, OR A PROSTITUTE MAKING

1 DISPLAY WAS OBTAINED AS A RESULT OF THE PERSON SEEKING
2 ASSISTANCE, AS A RESULT OF THE NEED FOR ASSISTANCE, OR AS A RESULT
3 OF THE REPORTING OF ASSISTANCE. THIS SUBSECTION (2) ALSO APPLIES TO
4 EQUIVALENT MUNICIPAL CHARGES AND ARRESTS.

5 (3) A PERSON WHO IS A VICTIM OF ONE OF THE FOLLOWING
6 OFFENSES, OR A PERSON WHO WITNESSES ONE OF THE FOLLOWING
7 OFFENSES, QUALIFIES FOR THE IMMUNITY FROM PROSTITUTION CHARGES
8 AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION:

9 (a) MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION
10 18-3-102;

11 (b) MURDER IN THE SECOND DEGREE, AS DESCRIBED IN SECTION
12 18-3-103;

13 (c) MANSLAUGHTER, AS DESCRIBED IN SECTION 18-3-104;

14 (d) CRIMINALLY NEGLIGENT HOMICIDE, AS DESCRIBED IN SECTION
15 18-3-105;

16 (e) VEHICULAR HOMICIDE, AS DESCRIBED IN SECTION 18-3-106;

17 (f) ASSAULT IN THE FIRST DEGREE, AS DESCRIBED IN SECTION
18 18-3-202;

19 (g) ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN SECTION
20 18-3-203;

21 (h) ASSAULT IN THE THIRD DEGREE, AS DESCRIBED IN SECTION
22 18-3-204;

23 (i) VEHICULAR ASSAULT, AS DESCRIBED IN SECTION 18-3-205;

24 (j) MENACING, AS DESCRIBED IN SECTION 18-3-206;

25 (k) CRIMINAL EXTORTION OR AGGRAVATED EXTORTION, AS
26 DESCRIBED IN SECTION 18-3-207;

27 (l) RECKLESS ENDANGERMENT, AS DESCRIBED IN SECTION

- 1 18-3-208;
- 2 (m) FIRST DEGREE KIDNAPPING, AS DESCRIBED IN SECTION
- 3 18-3-301;
- 4 (n) SECOND DEGREE KIDNAPPING, AS DESCRIBED IN SECTION
- 5 18-3-302;
- 6 (o) FALSE IMPRISONMENT, AS DESCRIBED IN SECTION 18-3-303;
- 7 (p) ENTICEMENT OF A CHILD, AS DESCRIBED IN SECTION 18-3-305;
- 8 (q) INTERNET LURING OF A CHILD, AS DESCRIBED IN SECTION
- 9 18-3-306;
- 10 (r) SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402;
- 11 (s) UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION
- 12 18-3-404;
- 13 (t) SEXUAL ASSAULT ON A CHILD, AS DESCRIBED IN SECTION
- 14 18-3-405;
- 15 (u) HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE OR
- 16 HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, AS
- 17 DESCRIBED IN SECTION 18-3-503;
- 18 (v) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE OR HUMAN
- 19 TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN
- 20 SECTION 18-3-504; OR
- 21 (w) STALKING, AS DESCRIBED IN SECTION 18-3-602.
- 22 (4) THE IMMUNITY DESCRIBED IN SUBSECTION (2) OF THIS SECTION
- 23 FOR THE OFFENSE OF PROSTITUTION IS NOT GROUNDS FOR SUPPRESSION OF
- 24 EVIDENCE IN OTHER CRIMINAL CHARGES. NOTHING IN THIS SECTION
- 25 PROHIBITS THE PROSECUTION OF A PERSON FOR OFFENSES OTHER THAN
- 26 THOSE LISTED IN SUBSECTION (2) OF THIS SECTION, OR TO LIMIT THE
- 27 ABILITY OF A DISTRICT ATTORNEY OR LAW ENFORCEMENT OFFICER TO

1 OBTAIN OR USE EVIDENCE FROM A REPORT, RECORDING, OR ANY OTHER
2 STATEMENT PROVIDED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO
3 PROSECUTE AN OFFENSE OTHER THAN THOSE LISTED IN SUBSECTION (2) OF
4 THIS SECTION. NOTHING IN THIS SECTION PROHIBITS THE PROVISION OF
5 IMMUNITY PURSUANT TO OTHER SECTIONS OF LAW, AS APPLICABLE,
6 INCLUDING SECTION 18-1-711.

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety.