

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB24-035 be amended as follows:

1 Amend reengrossed bill, page 2, strike lines 3 through 24.

2 Page 3, strike lines 1 through 6 and substitute:

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~~

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

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

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

31 **18-3-503. Human trafficking for involuntary servitude -**
32 **human trafficking of a minor for involuntary servitude.** (3) IT IS AN
33 AFFIRMATIVE DEFENSE TO A CHARGE PURSUANT TO THIS SECTION IF THE
34 PERSON BEING CHARGED CAN DEMONSTRATE BY A PREPONDERANCE OF
35 THE EVIDENCE THAT, AT THE TIME OF THE OFFENSE, THE PERSON WAS A
36 VICTIM OF HUMAN TRAFFICKING FOR INVOLUNTARY SERVITUDE WHO WAS
37 FORCED OR COERCED INTO ENGAGING IN HUMAN TRAFFICKING FOR
38 INVOLUNTARY SERVITUDE PURSUANT TO THIS SECTION.

39 **SECTION 4.** In Colorado Revised Statutes, 18-3-504, **amend**
40 (2.5) as follows:

1 **18-3-504. Human trafficking for sexual servitude - human**
2 **trafficking of a minor for sexual servitude.** (2.5) It is an affirmative
3 defense to a charge pursuant to ~~subsection (2)~~ of this section if the person
4 being charged can demonstrate by a preponderance of the evidence that,
5 at the time of the offense, ~~he or she~~ THE PERSON was a victim of human
6 trafficking for sexual servitude who was forced or coerced into engaging
7 in ~~the~~ human trafficking ~~of minors~~ for sexual servitude pursuant to
8 ~~subsection (2)~~ of this section.".

9 Renumber succeeding sections accordingly.

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