



COLORADO

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Offenses

a. Colo. Rev. Stat. Ann. § 18-3-503 (2014) – Human Trafficking for Involuntary Servitude; Human Trafficking of a Minor for Involuntary Servitude

i. Summary

A person commits the crime of human trafficking for involuntary servitude if the person “knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means another person for the purpose of coercing the other person to perform labor or services.” Colo. Rev. Stat. Ann. § 18-3-503(a).

“Coercing” is defined as:

inducing a person to act or to refrain from acting, if the inducement is accomplished by any one or more of the following means:

- (a) The use or threat of the use of force against, abduction of, causing of serious harm to, or physical restraint of a person;
- (b) The use of a plan, pattern, or statement for the purpose of causing the person to believe that failure to perform the act or failure to refrain from performing the act will result in the use of force against, abduction of, causing of serious harm to, or physical restraint of that person or another person;
- (c) Using or threatening to use the law or the legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed;
- (d) Threatening to notify law enforcement officials that a person is present in the United States in violation of federal immigration laws;
- (e) The destruction or taking, or a threat to destroy or take, a person’s identification document or other property;
- (f) Controlling or threatening to control a person’s access to a controlled substance, as defined in section 18-18-102(5);
- (g) The use of debt bondage; or
- (h) The exploitation of a person’s physical or mental impairment, where such impairment has a substantial adverse effect on the person’s cognitive or volitional functions.

Colo. Rev. Stat. Ann. § 18-3-502(2).

“Debt bondage” is defined as:

- (a) Demanding commercial sexual activity as payment toward or satisfaction of a real or purported debt; or
- (b) Demanding labor or services as payment toward or satisfaction of a real or purported debt and failing to apply the reasonable value of the labor or services toward the liquidation of the debt; or
- (c) Demanding labor or services where the length of the labor or services is not limited and the nature of the labor or services is not defined.

Colo. Rev. Stat. Ann. § 18-3-502(4).

ii. Sentencing

Human trafficking of persons for involuntary servitude generally is a Class 3 felony. Colo. Rev. Stat. Ann. § 18-3-503(2). Persons sentenced for a Class 3 felony committed on or after July 1, 2018, receive a sentence of four to 12 years, and a mandatory period of parole of three years. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(V)(A.1). In addition, the court may impose a fine of USD 3,000 to USD 750,000. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(II)(A).

If the victim was a minor at the time of the offense, trafficking of persons for involuntary servitude is a Class 2 felony. Colo. Rev. Stat. Ann. § 18-3-503(2). Persons sentenced for a Class 2 felony committed on or after July 1, 2018, receive a sentence of eight to 24 years and a mandatory period of parole of five years if the offense was a crime of violence and three years if it was not. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(V)(A.1). A fine of USD 5,000 to USD 1 million may also be imposed. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(II)(A).

Colorado also provides that a person convicted of a crime against a child shall pay a surcharge to the clerk of court. If the Class 2 felony is human trafficking of a minor for involuntary servitude, the surcharge is USD 3,000. Colo. Rev. Stat. Ann. § 18-24-102(3).

The court shall consider restitution in addition to any other penalty, and a defendant may be ordered to pay restitution to the victim. Colo. Rev. Stat. Ann. § 18-1.3-401(12).

iii. Statute of Limitations

If the victim is an adult, the statute of limitations is three years. Colo. Rev. Stat. Ann. § 16-5-401(1)(a). If the victim is a child, the statute of limitations is six and a half years. Colo. Rev. Stat. Ann. § 16-5-401(7).

The period of limitation does not run during any time when the accused is continually absent from the state or has no reasonably ascertainable place of abode or work within the state, but these circumstances will not extend the period of limitation by more than five years. Colo. Rev. Stat. Ann. § 16-5-401(2).

b. Colo. Rev. Stat. Ann. § 18-3-504 (2019) – Human Trafficking for Sexual Servitude; Human Trafficking of a Minor for Sexual Servitude

i. Summary

A person commits human trafficking for sexual servitude if the person “knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means another person for the purpose of coercing the person to engage in commercial sexual activity.” Colo. Rev. Stat. Ann. § 18-3-504(1)(a).

A person commits human trafficking of a minor for sexual servitude if the person:

- (I) “knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains, or makes available a minor for the purpose of commercial sexual activity;” or
- (II) “knowingly advertises, offers to sell, or sells travel services that facilitate an activity prohibited pursuant to subsection (2)(a)(I) of this section.”

Colo. Rev. Stat. Ann. § 18-3-504(2)(a).

Colorado defines “commercial sexual activity” to mean “sexual activity for which anything of value is given to, promised to, or received by a person.” Colo. Rev. Stat. Ann. § 18-3-502(3).

In a prosecution for human trafficking of a minor for sexual servitude,

it is not a defense that:

- (I) The minor consented to being sold, recruited, harbored, transported, transferred, isolated, enticed, provided, received, obtained, or maintained by the defendant for the purpose of engaging in commercial sexual activity;
- (II) The minor consented to participating in commercial sexual activity;
- (III) The defendant did not know the minor’s age or reasonably believed the minor to be eighteen years of age or older; or
- (IV) The minor or another person represented the minor to be eighteen years of age or older.

Colo. Rev. Stat. Ann. § 18-3-504(2)(c). However, it is an affirmative defense to such a prosecution “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” Colo. Rev. Stat. Ann. § 18-3-504(2.5).

A person does not need to receive any of the proceeds of any commercial sexual activity to commit an offense described in this section. Colo. Rev. Stat. Ann. § 18-3-504(3).

Conviction for an offense for human trafficking of a minor for sexual servitude does not preclude conviction for an offense described in article 6 (offenses involving family relations) or article 7 (offenses relating to morals) of the Colorado Revised Statutes based in whole or in part on the same or related conduct, and the court shall not require the prosecution to elect at trial between such offenses. Colo. Rev. Stat. Ann. § 18-3-504(4).

ii. Sentencing

Human trafficking of persons for sexual servitude generally is a Class 3 felony. Colo. Rev. Stat. Ann. § 18-3-504(1)(b). Persons sentenced for a Class 3 felony committed on or after July 1, 2018, receive a sentence of four to 12 years, and a mandatory period of parole of three years. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(V)(A.1). In addition, a fine of USD 3,000 to USD 750,000 may be imposed. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(II)(A).

If the victim was a minor at the time of offense, trafficking of persons for sexual servitude is a Class 2 felony. Colo. Rev. Stat. Ann. § 18-3-503(2). Persons sentenced for a Class 2 felony committed on or after July 1, 2018, receive a sentence of eight to 24 years, and a mandatory period of parole of five years if the offense was a crime of violence and three years if it was not. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(V)(A.1). A fine of USD 5,000 to USD 1 million may also be imposed. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(II)(A).

Colorado also provides that a person convicted of a crime against a child shall pay a surcharge to the clerk of court. If the Class 2 felony is human trafficking of a minor for sexual servitude, the surcharge is USD 3,000. Colo. Rev. Stat. Ann. § 18-24-102(3).

The court shall consider restitution in addition to any other penalty, and a defendant may be ordered to pay restitution to the victim. Colo. Rev. Stat. Ann. § 18-1.3-401(12).

iii. Statute of Limitations

The statute of limitations if the victim is an adult is three years. Colo. Rev. Stat. Ann. § 16-5-401(1)(a). There is no statute of limitations if the victim is a child. Colo. Rev. Stat. Ann. § 16-5-401(1)(a).

The period of limitation does not run during any time when the accused is continually absent from the state or has no reasonably ascertainable place of abode or work within the state, but these circumstances will not extend the period of limitation by more than five years. Colo. Rev. Stat. Ann. § 16-5-401(2).

c. Colo. Rev. Stat. Ann. § 18-7-209 (2019) – Immunity from Prostitution-Related Offenses; Victims; Human Trafficking of a Minor for Involuntary Servitude; Human Trafficking of a Minor for Sexual Servitude

A minor who is a victim of human trafficking is immune from criminal liability or juvenile delinquency if charged with a prostitution-related activity pursuant to sections 18-7-201 (prostitution), 18-7-202 (soliciting for prostitution), 18-7-204 (keeping a place of prostitution), or 18-7-207 (prostitute making display) or a prostitution-related offense pursuant to a county or municipal ordinance.

d. Colo. Rev. Stat. Ann. § 18-1-713 (2019) – Victims of Human Trafficking of a Minor for Involuntary Servitude or Sexual Servitude; Affirmative Defenses

It is an affirmative defense to any charge, other than a Class 1 felony, if the minor being charged proves by a preponderance of the evidence that they were, at the time of the offense: (1) a victim of human trafficking of a minor for involuntary servitude pursuant to section 18-3-503 or human trafficking of a minor for sexual servitude pursuant to section 18-3-504; and (2) forced or coerced into engaging in the criminal act charged. Colo. Rev. Stat. Ann. § 18-1-713.

e. Colo. Rev. Stat. Ann. § 18-7-201.3 (2019) – Affirmative Defense; Human Trafficking; Expungement of Record Protective Order

A person charged with prostitution, as described in section 18-7-201 or any corresponding municipal code or ordinance, for an offense committed on or after July 1, 2015, which offense was committed as a direct result of being a victim of human trafficking, may assert as an affirmative defense that he or she was a victim of human trafficking. To assert the affirmative defense pursuant to this subsection (1), the person charged with the offense must demonstrate by a preponderance of the evidence that he or she was a victim of human trafficking at the time of the offense. Colo. Rev. Stat. Ann. § 18-7-201.3(1).

On or after January 1, 2016, a person charged with or convicted of prostitution, ..., for an offense committed before July 1, 2015, which offense was committed as a direct result of being a victim of human trafficking, as defined in subsection (4) of this section, may apply to the court for sealing of his or her records if the offense was committed as a direct result of being a victim of human trafficking. Colo. Rev. Stat. Ann. § 18-7-201.3(1).

2. Online Child Sexual Exploitation and Child Pornography Offenses

Colo. Rev. Stat. Ann. § 18-3-405.4 – Internet Sexual Exploitation of a Child

Colo. Rev. Stat. Ann. § 18-3-418 – Unlawful Electronic Sexual Communication – Person in a Position of Trust

Colo. Rev. Stat. Ann. § 18-3-306 – Internet Luring of a Child

Colo. Rev. Stat. Ann. § 18-6-403 – Sexual Exploitation of a Child

Colo. Rev. Stat. Ann. § 18-6-404 – Procurement of a Child for Sexual Exploitation

Colo. Rev. Stat. Ann. § 18-7-109 – Posting, Possession, or Exchange of a Private Image by a Juvenile

3. Colo. Rev. Stat. Ann. § 16-22-103 – Sex Offender Registration

With limited exceptions, a person found guilty of a “sex offense” must register as a sex offender. Colo. Rev. Stat. Ann. § 16-22-103.

B. Civil Liability Statutes

1. Colo. Rev. Stat. Ann. § 13-21-127 (2014) – Civil Damages for Human Trafficking and Involuntary Servitude

a. Summary

“A conviction for human trafficking for involuntary servitude, as described in [Colo. Rev. Stat. Ann. §] 18-3-503, or human trafficking for sexual servitude, as described in [Colo. Rev. Stat. Ann. §] 18-3-504, is not a condition precedent to maintaining a civil [lawsuit] pursuant to the provisions of this section.” Colo. Rev. Stat. Ann. § 13-21-127(2).

b. Damages and Other Relief

“In addition to all other remedies, a victim, as defined in [Colo. Rev. Stat. Ann. §] 18-3-502(12), is entitled to recover damages proximately caused by any person who commits human trafficking for involuntary servitude, as described in [Colo. Rev. Stat. Ann. §] 18-3-503, or human trafficking for sexual servitude, as described in [Colo. Rev. Stat. Ann. §] 18-3-504.” Colo. Rev. Stat. Ann. § 13-21-127(1).

c. Statute of Limitations

“[A]ny civil action [lawsuit] based on sexual misconduct, including any derivative claim, may be commenced at any time without limitation.” Colo. Rev. Stat. Ann. § 13-80-103.7(1)(a). “[U]nless the context otherwise requires, ‘sexual misconduct’ means any conduct that forms the basis of a civil action [lawsuit] that is engaged in for the purpose of the sexual arousal, gratification or abuse of any person, and that constitutes any of the following ... (b) human trafficking for sexual servitude, as described in section 18-3-504; ... and (f) attempt or conspiracy to commit sex trafficking of children or by force, fraud, or coercion, as described in 18 U.S.C. § 1594 [criminalizing attempt and conspiracy to commit a federal human trafficking offense].” Colo. Rev. Stat. Ann. § 13-80-103.7(2)(b) and (f).

“This section applies to causes of action accruing on or after January 1, 2022, and to causes of action accruing before January 1, 2022, if the applicable statute of limitations, as it existed prior to January 1, 2022, has not yet run on that date.” Colo. Rev. Stat. Ann. § 13-80-103.7(1)(b).

This section also applies to any cause of action arising from factual circumstances that include sexual misconduct that is brought against a person or entity that is not the perpetrator of the sexual misconduct. Colo. Rev. Stat. Ann. § 13-80-103.7(1)(b)(2)(6)(a).

C. Additional Statutes Specific to Human Trafficking

1. Colo. Rev. Stat. Ann. § 8-4-101 *et seq.* (2020) – Colorado Wage Act

Colorado requires the timely payment of wages. Colo. Rev. Stat. Ann. § 8-4-103. Failure to pay full wages or other compensation owed entitles an employee to pursue recovery of those wages in a civil lawsuit. Successful employees may recover reasonable attorney’s fees and court costs. Colo. Rev. Stat. § 8-6-118. An employee may also file a complaint for the recovery of unpaid wages with the Colorado Division of Labor Standards and Statistics. Colo. Rev. Stat. Ann. § 8-4-111. Noncompliance with the state’s wage laws may also result in criminal penalties. Colo. Rev. Stat. Ann. §§ 8-4-114, 18-4-401.

More information is available at: <https://www.colorado.gov/pacific/cdle/wagelaw>.

2. Colo. Rev. Stat. Ann. § 18-3-505 (2019) – Human Trafficking Council Created; Duties

Colorado created a human trafficking council within the Department of Public Safety “to bring together leadership from community-based and statewide anti-trafficking efforts, to build and enhance collaboration among communities and counties within the State, to establish and improve comprehensive services for victims and survivors of human trafficking, to assist in the successful prosecution of human traffickers, and to help prevent human trafficking in Colorado.”

3. Colo. Rev. Stat. Ann. § 18-7-201.4 (2019) – Victim of Human Trafficking of a Minor for Sexual Servitude; Provision of Services; Reporting

Law enforcement officials must immediately report suspected human trafficking for sexual servitude of a minor to the human services, social services, or child abuse hotline reporting system.

4. Colo. Rev. Stat. Ann. § 19-3-317 (2019) – Screening Tool; Human Trafficking

The Department of Human or Social Services “and each county department, as defined in section 19-1-103(32)(a), shall implement a uniform screening tool that includes questions intended to identify children who are victims of human trafficking of a minor for sexual servitude, as described in section 18-3-504, C.R.S., or commercial sexual exploitation of a child, or who are at risk of becoming such victims.”

5. Colo. Rev. Stat. Ann. § 24-33.5-523 (2019) – Human Trafficking Prevention Training

The Public Safety Division will serve as an additional resource to provide training to various governmental organizations about human trafficking.

6. Colo. Rev. Stat. Ann. § 24-72-707 (2019) – Sealing of Criminal Conviction Records Information for Offenses Committed by Victims of Human Trafficking

Upon motion, the records of most misdemeanor, municipal code, and ordinance violation conviction records that exist will be sealed if at the time the persons committed the offense, they had been trafficked by another person for the purpose of performing the offense.

7. Colo. Rev. Stat. Ann. § 29-11.8-112 (2017) – Duties of Escort Bureau

Each escort bureau must provide to each employee a statement that the state prohibits human trafficking and the name, phone number, and website of an organization that assists human trafficking and slavery victims.

D. Significant Cases

1. *People v. Lowe*, 488 P.3d 1122 (2021)

The prison-probation sentencing prohibition set by *Allman v. People*, 451 P.3d 826 (2019) (holding that a court cannot sentence a defendant to both imprisonment and probation in a multi-count case) does not apply in cases where a defendant receives a prison sentence for a sex-related offense and a consecutive Sex Offender Intensive Supervised Probation sentence (a highly restrictive type of probation for nonviolent sex offenders in Colorado).

E. Academic Research/Papers

Jessica A. Pingleton, Comment, *Finding Safe Harbor: Eliminating the Gap in Colorado’s Human Trafficking Laws*, 87 U. COLO. L. REV. 257 (2016).

F. Resources

Colorado Division of Justice, Office for Victims Programs, *2018 Colorado Human Trafficking Council Annual Report*: https://cdpsdocs.state.co.us/ovp/Human_Trafficking/report/2018-Annual-Report-Online.pdf

Colorado Project to Comprehensively Combat Human Trafficking: https://combathumantrafficking.org/our-research/colorado_project_2.0/

National Human Trafficking Hotline (Colorado): <https://humantraffickinghotline.org/sites/default/files/CO-2018-State-Report.pdf>

Shared Hope International, Colorado Report Card (2019): https://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_CO.pdf

Shared Hope International, Colorado Analysis and Recommendations (2019): https://sharedhope.org/PICframe9/analysis/PIC_AR_2019_CO.pdf

U.S. Department of Health & Human Services, *Colorado: Efforts to Combat Human Trafficking* (2017): https://www.acf.hhs.gov/sites/default/files/documents/otip/colorado_profile_efforts_to_combat_human_trafficking.pdf

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