


Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 12-0223
Prime Sponsor(s): Rep. McCann
 Sen. King S.

Date: August 16, 2012
Bill Status: Signed into Law
Fiscal Analyst: Jessika Shipley (303-866-3528)

TITLE: CONCERNING THE TRAFFICKING OF HUMAN BEINGS.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures	Minimal increase.	
FTE Position Change		
Effective Date: The bill was signed into law by the Governor on May 11, 2012, and took effect August 8, 2012.		
Appropriation Summary for FY 2012-2013: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill makes the following changes to laws related to human trafficking:

- persons may recover damages and obtain injunctive relief from individuals who commit trafficking in adults, trafficking in children, or coercion of involuntary servitude;
- a conviction for trafficking in adults, trafficking in children, or coercion of involuntary servitude is not a necessary condition for filing a civil action for damages or injunctive relief;
- real property or vehicles used for the purpose of trafficking in adults, trafficking in children, or coercion of involuntary servitude are deemed a class 1 public nuisance, making them subject to seizure, confiscation and forfeiture;
- individuals under the age of 18 who have been trafficked or coerced into involuntary servitude are considered victims for the purpose of orders of restitution;
- escort services are required to notify each employee that human trafficking and coercion of involuntary servitude are illegal and to provide each employee with information about organizations that provide assistance to victims of human trafficking and slavery;
- massage parlors must display a written notice about human trafficking and coercion of involuntary servitude; and
- the Interagency Task Force on Trafficking in Persons is repealed.

Additionally, under current law, individuals who have been adjudicated for an offense involving unlawful sexual behavior are ineligible to petition for expungement of a juvenile record or sealing of a criminal conviction record. The bill creates an exception for an individual who demonstrates that, at the time the offense was committed, he or she had been sold, exchanged, bartered, or leased by another person for the purpose of performing the offense or was coerced by another person to perform the offense.

State Expenditures

Judicial Branch. Trial courts will see a minimal increase in workload as a result of the bill. There have been no human trafficking or coercion of involuntary servitude convictions in the past five years. Approximately 55 juveniles are adjudicated each year for offenses related to unlawful sexual behavior. If all 55 cases resulted in a petition to expunge and involved a juvenile defendant who could demonstrate that he or she had been sold, exchanged, bartered, or leased by another person for the purpose of performing the offense or was coerced by another person to perform the offense, the courts would require an additional 0.1 FTE at the magistrate level. As it is extremely unlikely that more than a small percentage of the total cases involve the specified criteria, the branch can implement the bill within current appropriations.

Department of Human Services (DHS). The bill could require the DHS to expunge additional records for juveniles adjudicated for offenses related to unlawful sexual behavior; however the number of petitions for expungement is expected to be very small and the increase in workload will not require additional appropriations.

Other agencies. Additionally, the repeal of the Interagency Task Force on Trafficking in Persons will slightly reduce the workload of the representatives of the following agencies who serve on the task force:

- Department of Law;
- Office of the State Public Defender;
- Department of Public Safety;
- Department of Labor and Employment;
- Department of Human Services; and
- Governor's Office.

Local Government Impact

County sheriffs may be required to seize additional property related to trafficking in adults, trafficking in children, or coercion of involuntary servitude. Such seizures would add to the workload of sheriffs' offices, however current law provides a mechanism for sheriffs to recoup the actual costs incurred or expended.

The repeal of the Interagency Task Force on Trafficking in Persons will slightly reduce the workload of certain local government entities with a position on the task force, including a sheriff, a municipal police chief, and a representative of the Colorado District Attorneys' Council.

Departments Contacted

Governor's Office
Law
District Attorneys

Human Services
Labor & Employment
Municipal League

Judicial
Public Safety
Sheriffs