



# POLARIS PROJECT

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## Colorado State Report State Ratings 2011

The Polaris Project annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris Project believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

**Rating:** Red

**Total Points:** 2

**Points Deducted:** 1 for lack of a basic sex trafficking statute

**Credited Categories:** 2 Labor Trafficking; 3(b) Investigative Tools; 4(b) Human Trafficking Task Force.

**Categories Still Needed:** 1 Sex Trafficking; 3(a) Asset Forfeiture; 4(a) Training for Law Enforcement; 5 Posting of the National Hotline; 6 Safe Harbor; Protecting Sex Trafficked Minors; 7 Lower Burden of Proof for Sex Trafficking of Minors; 8 Victim Assistance; 9 Access to Civil Damages; and 10 Vacating Convictions for Sex Trafficking Victims.

**Category By Category Break-Down:**

### Category 1: Sex Trafficking Statute

None.

### Category 2: Labor Trafficking Statute

#### 18-3-503. Coercion of involuntary servitude

(1) A person commits coercion of involuntary servitude if he or she coerces another person to perform labor or services by:

- (a) Withholding or threatening to destroy documents relating to a person's immigration status;
- (b) Threatening to notify law enforcement officials that a person is present in the United States in violation of federal immigration laws;
- (c) Threatening serious harm or physical restraint against that person or another person;
- (d) Means of a scheme, plan, or pattern intended to cause the person to believe that, if the person does not perform the labor or services, he or she or another person would suffer serious harm or physical restraint; or
- (e) Abusing or threatening abuse of law or the legal process.

- (2) A person may commit coercion of involuntary servitude regardless of whether the person provides compensation to the person who is coerced.
- (3) Coercion of involuntary servitude is a class 6 felony.

**Category 3(a): Asset Forfeiture**

None.

**Category 3(b): Investigative Tools**

**18-17-103. Definitions.**

- (5) "Racketeering activity" means to commit to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:
  - (a) Any conduct defined as "racketeering activity" under 18 U.S.C. 1961 (1) (A), (1) (B), (1) (C), and (1) (D); or
  - (b) Any violation of the following provisions of the Colorado statutes or any criminal act committed in any jurisdiction of the United States which, if committed in this state, would be a crime under the following provisions of the Colorado statutes:
    - (I) Offenses against the person, as defined in sections 18-3-102 (first degree murder), 18-3-103 (second degree murder), 18-3-104 (manslaughter), 18-3-202 (first degree assault), 18-3-203 (second degree assault), 18-3-204 (third degree assault), 18-3-206 (menacing), 18-3-207 (criminal extortion), 18-3-301 (first degree kidnapping), 18-3-302 (second degree kidnapping), 18-3-501 (trafficking in adults), 18-3-502 (trafficking in children), and 18-3-503 (coercion of involuntary servitude).

**Category 4(a): Training for Law Enforcement**

None.

**Category 4(b): Human Trafficking Task Force**

**18-1.8-101. Interagency task force**

- (1) There is hereby created an interagency task force on trafficking in persons, referred to in this section as the "task force".
- (2) The task force shall consist of the following members or their designees:
  - (a) The attorney general;
  - (b) The president of the Colorado district attorneys council;
  - (c) The state public defender;
  - (d) The executive director of the department of public safety;
  - (e) The executive director of the department of labor and employment;
  - (f) The executive director of the department of human services;
  - (g) A municipal police chief appointed by the Colorado association of chiefs of police;
  - (h) The governor;
  - (i) A sheriff appointed by the state sheriff's association;
  - (j) A representative from a statewide organization representing victims;
  - (k) A representative from a statewide coalition representing victims of domestic violence;
  - (l) A representative from a statewide coalition representing victims of sexual assault;
- (3) The task force shall:
  - (a) Collect and organize data on the nature and extent of trafficking in persons in the state;

- (b) Investigate collaborative models for protecting victims of trafficking;
  - (c) Measure and evaluate the progress of the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking;
  - (d) Identify available federal, state, and local programs that provide services to victims of trafficking that include, but are not limited to, health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English-as-a-second-language classes, voluntary repatriation, and victim's compensation;
  - (e) Evaluate approaches to increase public awareness in trafficking;
  - (f) Analyze existing state criminal statutes for their adequacy in addressing trafficking and, if such analysis determines that those statutes are inadequate, recommend revision to the statutes or enactment of new statutes that better address trafficking; and
  - (g) Consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking, and prosecute traffickers.
- (4) All state and local agencies shall cooperate with the task force and provide such data and other information as the task force may require in carrying out its duties under this section.
- (5) The task force shall report its findings and recommendations to the judiciary committees of the house of representatives and senate by January 15, 2007.
- (6) For the purposes of this section, "trafficking" means all acts involved in the recruitment, abduction, transport, harboring, transfer, sale, or receipt of persons, within national or international borders, through force, coercion, fraud, or deception to place persons in situations of slavery or slavery-like conditions, forced labor or services such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage.

**Category 5: Posting of a Human Trafficking Hotline**

None.

**Category 6: Safe Harbor; Protecting Sex Trafficked Minors**

None.

**Category 7: Lower Burden of Proof for Sex Trafficking of Minors**

None.

**Category 8: Victim Assistance**

None.

**Category 9: Access to Civil Damages**

None.

**Category 10: Vacating Convictions for Sex Trafficking Victims**

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None.

For guidelines and examples of bill language, please consult [Polaris Project's Model Provisions of Comprehensive State Legislation to Combat Human Trafficking and Commentary](#) available on our website ([www.polarisproject.org](http://www.polarisproject.org)). If you need technical assistance in enacting laws to fill in the gaps, please contact the Polaris Project Policy Program at [policy@polarisproject.org](mailto:policy@polarisproject.org).