

## RESOLUTION NO. 2023-100

### A Resolution to Prevent Human Trafficking in Massage Businesses

#### Recitals

A. The Legislature promulgated and the Governor approved House Bill 22-1300, which provides that counties may take action to help prevent human trafficking-related activities.

B. C.R.S. § 30-15-401.4(5) provides that a board of county commissioners (BOCC) may adopt a resolution to prohibit certain human trafficking-related offenses in a county. C.R.S. § 30-15-401.4(6)(a) provides that a BOCC may pass a resolution to authorize law enforcement officers to follow a penalty assessment procedure for violations and may establish a graduated fine schedule for these penalty assessments. C.R.S. § 30-15-401.4(6)(b) provides that a BOCC may also specify in the resolution to allow a district attorney or county attorney to pursue injunctions against massage facilities that are public nuisances who engage in two or more violations.

C. The Boulder County BOCC has consulted with the cities within Boulder County regarding this Resolution, as required by C.R.S. § 30-15-401.4(3)(b).

D. The Boulder County BOCC wishes to take these actions to combat human trafficking in Boulder County, to help safeguard the public, health, and welfare of citizens, and to protect legitimate massage therapy businesses from the actions of illicit massage businesses.

#### NOW, THEREFORE, BE IT RESOLVED THAT:

1. The definitions provided in C.R.S. § 30-15-401.4(2) & (7), as amended, are adopted for this Resolution.
2. The following activities are prohibited in massage businesses in Boulder County by any owner, manager, or employee of the business:
  - (a) Allowing a person who does not hold a massage therapy license pursuant to C.R.S. § 12-235-107 to perform massage in a massage facility;
  - (b) Advertising to a prospective client that services, including prostitution, sexual acts, escort services, sexual services, or services related to human trafficking disguised as legitimate services, are available;
  - (c) Permitting sexual acts or sexual services within or near a massage facility or in relation to massage therapy;
  - (d) Denying inspection of a massage facility by law enforcement or inspectors of a licensing authority;
  - (e) Refusing, interfering with, or eluding immediate identification of employees of the massage facility to law enforcement or a licensing authority's appointed inspectors;

(f) Failing to immediately report to law enforcement any act of sexual misconduct occurring in a massage facility;

(g) Allowing an employee or contractor of a massage facility to provide massage therapy without being fully clothed;

(h) Requiring client nudity as part of a massage without the client's prior consent;

(i) Allowing a massage facility to be open and practicing massage therapy without a licensed massage therapist on the premises;

(j) Permitting a person in a massage facility to make an agreement with an employee or contractor to engage in any prostitution-related offense in the massage facility or any other location;

(k) Permitting a massage facility to be used for housing, sheltering, or harboring any person, or as living or sleeping quarters for any person; except that an owner and the owner's family members who operate a massage facility as a home business are exempt from the prohibited activity in this subsection (5)(k); and

(l) Operating an erotic parlor on the premises of a massage facility.

3. A law enforcement officer may follow the penalty assessment procedure described in C.R.S. § 16-2-201 for any violation of the offenses described in Paragraph 2 of this Resolution. These offenses shall constitute civil infractions, and the graduated fine schedule shall be as follows, in addition to any surcharges provided by C.R.S. § 30-15-402:

(a) A fine of \$300.00 for a first violation.

(b) A fine of \$600.00 for a second violation by an owner, manager or employee of the same business.

(c) A fine or \$1,000.00 for a third or subsequent violation by an owner, manager or employee of the same business.

4. A massage facility that engages in two or more violations of the offenses described in Paragraph 2 of this Resolution is a public nuisance, as described in C.R.S. § 16-13-303, unless the violation is already a public nuisance, as described in C.R.S. § 16-13-303. The Boulder County Attorney, or the District Attorney for the Twentieth Judicial District acting pursuant to C.R.S. § 16-13-302 may bring an action in the District Court of the Twentieth Judicial District for an injunction against the massage facility that violates this Resolution.

A motion to approve this Resolution 2023-100 was made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by a \_\_\_\_\_ vote.

**ADOPTED** this 7<sup>th</sup> day of November 2023.

**BOARD OF COUNTY COMMISSIONERS  
OF BOULDER COUNTY:**

\_\_\_\_\_  
Claire Levy, Chair

\_\_\_\_\_  
Ashley Stolzmann, Vice Chair

\_\_\_\_\_  
Marta Loachamin, Commissioner

ATTEST:

Clerk to the Board: \_\_\_\_\_