



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 26-1082: CHILDREN ARE NOT FOR SALE ACT

#### Prime Sponsors:

Rep. Bottoms

#### Fiscal Analyst:

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**Version:** Initial Fiscal Note

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**Fiscal note status:** The fiscal note reflects the introduced bill.

### Summary Information

**Overview.** The bill modifies the crime of human trafficking of a minor for sexual servitude and makes it a class 1 felony.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures
- Local Government

**Appropriations.** No appropriation is required.

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2041-42	Out Year FY 2042-43
State Revenue	\$0	\$0	\$0
State Expenditures (General Fund)	\$0	\$179,241	\$358,482
Transferred Funds	\$0	\$0	\$0
Change in TABOR Refunds	\$0	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE	0.0 FTE

Fund sources for these impacts are shown in the tables below.

## Summary of Legislation

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The bill makes human trafficking of a minor for sexual servitude a class 1 felony and adds the element of trading anything of monetary value to buy or sell sexual activity with a minor. The bill also adds that it is not a defense that the defendant did not know the minor's age or that the defendant reasonably believed the minor to be 18 years or older.

## Comparable Crime Analysis

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Legislative Council Staff is required to include certain analysis in the fiscal note for any bill that creates a new crime, or that either reclassifies or creates a new factual basis for an existing crime. This section identifies comparable crimes and discusses assumptions on future conviction rates resulting from the bill.

### Prior Conviction Data

This bill reclassifies the offense of human trafficking of a minor for sexual servitude from a class 2 felony to a class 1 felony and creates a new factual basis by adding the element of trading anything of monetary value. From FY 2022-23 to FY 2024-25, 9 individuals have been convicted and sentenced for this offense. Of the persons convicted, all 9 were male. Demographically, 5 were White, 3 were Black/African American, and 1 was Hispanic.

### Assumptions

Based on conviction data from the Judicial Department, the bill is expected to increase the period of incarceration for about 3 individuals per year. According to the most recent data from the Division of Criminal Justice, the average length of stay for a class 2 felony is 178 months, or almost 15 years, while the sentence for a class 1 felony is life without parole. Based on these sentence lengths and assuming it takes one year to adjudicate and sentence new cases under the bill, Department of Corrections (CDOC) costs will increase in approximately FY 2041-42.

Additionally, due to the narrow scope of the additional element, this analysis assumes that the number of new cases will be minimal. Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

## State Expenditures

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Beginning in FY 2026-27, this bill increases workload and costs in the Judicial Department. It will also increase state General Fund expenditures in the Department of Corrections starting in FY 2041-42, as discussed below.

## Judicial Department

This bill will increase workload for the trial courts in the Judicial Department and offices that represent indigent offenders to the extent the bill increases trial time due to the increased penalty. Due to the low number of cases, workload can be handled within existing appropriations.

## Prison and Parole Costs

Legislative Council Staff is required to analyze long-term costs for prison capital construction, operations, and parole for any bill that potentially increases periods of imprisonment in the Department of Corrections.

Based on the assumptions provided in the Comparable Crime Analysis section, this bill will begin increasing state expenditures in FY 2041-42. The costs in Table 2 assume current year prison and parole costs of \$68,135 and \$8,388 respectively; however, inflation, prison population, and other factors will affect the actual future costs. Because the enhanced sentence under the bill is life imprisonment, costs will continue to increase into the future until such time that a balance is reached between new prison admissions and offenders life imprisonment ending. This balance will depend on offender's age at conviction, life span, and other factors.

**Table 2**  
**State Expenditures**  
**Prison and Parole Operating Costs**

<b>Fiscal Year</b>	<b>Prison ADP Impact</b>	<b>Prison Cost</b>	<b>Parole ADP Impact</b>	<b>Parole Cost</b>	<b>Total Cost</b>
FY 2026-27	0.00	\$0	0.00	\$0	<b>\$0</b>
FY 2041-42	3.00	\$204,405	-3.00	(\$25,164)	<b>\$179,241</b>
FY 2042-43	6.00	\$408,810	-6.00	(\$50,328)	<b>\$358,482</b>
FY 2043-44	9.00	\$613,215	-9.00	(\$75,492)	<b>\$537,723</b>
FY 2044-45	12.00	\$817,620	-12.00	(\$100,656)	<b>\$716,964</b>
FY 2045-46	15.00	\$1,022,025	-15.00	(\$125,820)	<b>\$896,205</b>
<b>Five-Year Total</b>		<b>\$3,066,075</b>		<b>(\$377,460)</b>	<b>\$2,688,615</b>

ADP=Average Daily Population.

## DOC Capital Construction Costs

In addition to the five-year operating and parole impacts discussed above, state law requires that the General Assembly consider increased capital construction costs for the DOC to house additional inmates. Based on a 2024 survey solicited by DOC on the cost to build a medium security facility, capital construction costs of \$412,500 per bed would be required to increase

prison bed space. If the General Assembly determines that additional prison bed space is needed, this bill should include a transfer of General Fund to the Capital Construction Fund, to be reappropriated to the Corrections Expansion Reserve Fund. Money in the Corrections Expansion Reserve Fund is available for future DOC construction projects, which would be identified and funded through the annual budget process based on the state's overall prison needs.

## **Local Government**

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The bill increases workload for district attorneys to the extent the class 1 felony sentence leads to longer trials. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

## **Effective Date**

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The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State and Local Government Contacts**

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Corrections

Judicial

District Attorneys