

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0169.01 Anna Petrini x5497

SENATE BILL 26-111

SENATE SPONSORSHIP

Rich,

HOUSE SPONSORSHIP

Bradley and English,

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING CRIMINAL SENTENCING FOR PERSONS WHO COMMIT**
102 **CERTAIN TYPES OF SEXUAL ASSAULT ON A CHILD, AND, IN**
103 **CONNECTION THEREWITH, REQUIRING A PERIOD OF**
104 **INCARCERATION FOR CERTAIN CLASS 4 AND CLASS 3 FELONY**
105 **SEXUAL ASSAULT ON A CHILD OFFENSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law permits a court to sentence a sex offender to probation for an indeterminate period that can range from 10 years for a class 4

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

felony and 20 years for a class 3 felony to a maximum of the sex offender's natural life.

The bill prohibits a court from sentencing to probation a sex offender convicted of:

- Class 4 felony sexual assault on a child;
- Class 4 felony sexual assault on a child by one in a position of trust; or
- Class 3 felony sexual assault on a child by one in a position of trust when the child is under 15 years old.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-1004, **amend**
3 (2)(a) as follows:

4 **18-1.3-1004. Indeterminate sentence.**

5 (2) (a) The district court having jurisdiction, based on
6 consideration of the evaluation conducted pursuant to section 16-11.7-104
7 C.R.S., and the factors specified in section 18-1.3-203, may sentence a
8 sex offender to probation for an indeterminate period of at least ten years
9 for a class 4 felony or twenty years for a class 2 or 3 felony and a
10 maximum of the sex offender's natural life; except that, if the sex
11 offender committed a sex offense that constitutes a crime of violence, as
12 defined in section 18-1.3-406, or committed a sex offense that makes ~~him~~
13 ~~or her~~ THE SEX OFFENDER eligible for sentencing as a habitual sex
14 offender against children pursuant to section 18-3-412, or COMMITTED a
15 sex offense requiring sentencing pursuant to ~~paragraph (e) of subsection~~
16 ~~(1)~~ SUBSECTION (1)(e) of this section, OR COMMITTED SEXUAL ASSAULT
17 ON A CHILD THAT IS A CLASS 4 FELONY PURSUANT TO SECTION 18-3-405,
18 OR COMMITTED SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF
19 TRUST THAT IS A CLASS 4 FELONY PURSUANT TO SECTION 18-3-405.3, OR
20 COMMITTED A SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF

1 TRUST THAT IS A CLASS 3 FELONY PURSUANT TO SECTION 18-3-405.3
2 (2)(a), the court shall sentence the sex offender to the department of
3 corrections as provided in subsection (1) of this section. For any sex
4 offender sentenced to probation pursuant to this subsection (2), the court
5 shall order that the sex offender, as a condition of probation, participate
6 in an intensive supervision probation program established pursuant to
7 section 18-1.3-1007, until further order of the court.

8 **SECTION 2.** In Colorado Revised Statutes, 18-3-405, **add** (3.5)
9 as follows:

10 **18-3-405. Sexual assault on a child.**

11 (3.5) PURSUANT TO SECTION 18-1.3-1004 (2)(a), THE COURT SHALL
12 SENTENCE A PERSON CONVICTED OF A CLASS 4 FELONY OF SEXUAL
13 ASSAULT ON A CHILD TO THE DEPARTMENT OF CORRECTIONS FOR AN
14 INDETERMINATE TERM OF INCARCERATION AS SET FORTH IN SECTION
15 18-1.3-1004 (1)(a).

16 **SECTION 3.** In Colorado Revised Statutes, 18-3-405.3, **add** (4.5)
17 as follows:

18 **18-3-405.3. Sexual assault on a child by one in a position of
19 trust.**

20 (4.5) (a) PURSUANT TO SECTION 18-1.3-1004 (2)(a), THE COURT
21 SHALL SENTENCE A PERSON CONVICTED OF A CLASS 4 FELONY OF SEXUAL
22 ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST TO THE DEPARTMENT
23 OF CORRECTIONS FOR AN INDETERMINATE TERM OF INCARCERATION AS SET
24 FORTH IN SECTION 18-1.3-1004 (1)(a).

25 (b) PURSUANT TO SECTION 18-1.3-1004 (2)(a), THE COURT SHALL
26 SENTENCE A PERSON CONVICTED OF A CLASS 3 FELONY OF SEXUAL
27 ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, AS DESCRIBED IN

1 SUBSECTION (2)(a) OF THIS SECTION, TO THE DEPARTMENT OF
2 CORRECTIONS FOR AN INDETERMINATE TERM OF INCARCERATION AS SET
3 FORTH IN SECTION 18-1.3-1004 (1)(a).

4 **SECTION 4. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly (August 12, 2026, if adjournment sine die is on May 13,
8 2026); except that, if a referendum petition is filed pursuant to section 1
9 (3) of article V of the state constitution against this act or an item, section,
10 or part of this act within such period, then the act, item, section, or part
11 will not take effect unless approved by the people at the general election
12 to be held in November 2026 and, in such case, will take effect on the
13 date of the official declaration of the vote thereon by the governor.

14 (2) This act applies to offenses committed on or after the
15 applicable effective date of this act.