



# Fiscal Note

## Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

### SB 26-075: TRAFFICKING & COMMERCIAL SEXUAL ACTIVITY OFFENSES

**Prime Sponsors:**

Sen. Pelton B.; Roberts  
Rep. Duran; Winter T.

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

### Summary Information

**Overview.** The bill makes changes to human trafficking offenses, crimes against at-risk persons, and sex offenses involving children.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis starting in FY 2026-27:

- Minimal State Revenue
- 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 2027-28
State Revenue	\$0	\$0
State Expenditures (General Fund)	\$0	\$68,135
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## **Summary of Legislation**

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The bill makes changes to human trafficking offenses, crimes against at-risk persons, and sex offenses involving children as discussed below. It also allows courts to consider the likelihood that money used to post bond is derived from criminal activity when determining the type of bond and conditions of release.

### **Human Trafficking Offenses**

Under current law, human trafficking for involuntary or sexual servitude of either an adult or minor can be crimes of violence when a perpetrator used, or possessed and threatened the use of, a deadly weapon, or caused serious bodily injury or death to another person. If these circumstances exist, the person must be sentenced to the Colorado Department of Corrections (CDOC) to at least the midpoint but no more twice the maximum of the presumptive range as modified for extraordinary risk crimes.

The bill removes these human trafficking offenses from the list of crimes of violence, but requires a sentence to the CDOC with the same sentence enhancers for anyone convicted of those crimes, whether or not a deadly weapon was involved, or if serious bodily injury occurred. These sentencing requirements also apply to attempt and conspiracy to commit charges.

### **Crimes Against At-risk Persons**

Crimes against at-risk persons have a distinct crime classification. The bill makes it a class 2 felony to commit the following crimes against at-risk individuals:

- human trafficking for involuntary or sexual servitude of an at-risk adult;
- pimping of an at-risk adult; and
- pimping of an at-risk juvenile.

### **Sex Offenses Involving Children**

The bill replaces the term "prostitution" with "commercial sexual activity" for the following sex offenses involving children:

- soliciting, and also adds the element of "knowingly";
- pandering;
- procurement;
- keeping a place for child prostitution;
- pimping;
- inducement; and
- engaging.

Conforming amendments to other sections of statute are made to reflect these changes.

## **Background**

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Due to prison capacity issues, fiscal notes for the 2026 session assume that any changes to the prison population under a bill will occur in state prisons operated by the CDOC. Legislative Council Staff (LCS) estimates state beds cost of \$186.67 per day per bed, compared to the private prison reimbursement rate of \$66.52 per day per bed. Costs are calculated using the estimated state prison daily rate multiplied by the average length of stay, as determined by the Division of Criminal Justice, for the affected crime classification. Costs are estimates only; actual appropriations are determined through the annual budget process based on the prison population forecast.

## **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**

The sections below describe prior conviction data for the existing offenses and comparable crime conviction data for new offenses in the bill.

#### **Human Trafficking for Involuntary Servitude—Adults and Minors**

This bill requires a sentence to the CDOC for the existing offenses of human trafficking for involuntary servitude of either adults or minors, a class 3 or class 2 felony respectively. From FY 2022-23 to FY 2024-25, zero individuals have been convicted and sentenced for this offense.

#### **Human Trafficking for Sexual Servitude—Adult**

This bill requires a sentence to the CDOC for the existing offense of human trafficking for sexual servitude of an adult, a class 3 felony. From FY 2022-23 to FY 2024-25, 17 individuals have been convicted and sentenced for this offense. Of the persons convicted, 16 were male and 1 was female. Demographically, 3 were White and 14 were Black/African American.

#### **Human Trafficking for Sexual Servitude—Minor**

This bill requires a sentence to the CDOC for the existing offense of human trafficking for sexual servitude of a minor, a class 2 felony. 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.

## Human Trafficking for Involuntary Servitude—At-Risk Adult

This bill creates the new offense of human trafficking for involuntary servitude of an at-risk adult, a class 2 felony. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of human trafficking for involuntary servitude of an adult, a class 3 felony, as a comparable crime. From FY 2022-23 to FY 2024-25, zero individuals have been convicted and sentenced for this existing offense.

## Pimping of an At-Risk Adult

This bill creates the new offense of pimping of an at-risk adult, a class 2 felony. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of pimping, a class 3 felony, as a comparable crime. From FY 2022-23 to FY 2024-25, 34 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, 27 were male and 7 were female. Demographically, 9 were White, 17 were Black/African American, 7 were Asian, and 1 was classified as "Other."

## Pimping of an At-Risk Juvenile

This bill creates the new offense of pimping of an at-risk juvenile, a class 2 felony. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of pimping of a child, a class 3 felony, as a comparable crime. From FY 2022-23 to FY 2024-25, 4 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, 3 were male and 1 was female. Demographically, 1 was White and 3 were Black/African American.

## Soliciting a Child

This bill replaces existing language with the term "commercial sexual activity" and adds the element of "knowingly" for the existing offense of soliciting a child, a class 3 felony. From FY 2022-23 to FY 2024-25, 86 individuals have been convicted and sentenced for this offense. Of the persons convicted, all 86 were male. Demographically, 67 were White, 4 were Black/African American, 5 were Hispanic, 5 were Asian, and 5 were classified as "Other."

## Pandering of a Child

This bill replaces existing language with the term "commercial sexual activity" for the existing offense of pandering of a child, which is either a class 3 or class 2 felony depending on the circumstances. From FY 2022-23 to FY 2024-25, 5 individuals have been convicted and sentenced for this offense. Of the persons convicted, all 5 were male. Demographically, 3 were White and 2 were Black/African American.

### Procurement of a Child

This bill replaces existing language with the term “commercial sexual activity” for the existing offense of procurement of a child, a class 3 felony. From FY 2022-23 to FY 2024-25, one Black/African-American male has been sentenced and convicted for this offense.

### Keeping a Place for Child Prostitution

This bill replaces existing language with the term “commercial sexual activity” for the existing offense of keeping a place for child prostitution. From FY 2022-23 to FY 2024-25, zero individuals have been sentenced and convicted for this offense.

### Pimping of a Child

This bill replaces existing language with the term “commercial sexual activity” for the existing offense of pimping of a child, a class 3 felony. From FY 2022-23 to FY 2024-25, 4 individuals have been convicted and sentenced for this offense. Of the persons convicted, 3 were male and 1 was female. Demographically, 1 was White and 3 were Black/African American.

### Inducement of a Child

This bill replaces existing language with the term “commercial sexual activity” for the existing offense of inducement of a child, a class 3 felony. From FY 2022-23 to FY 2024-25, 3 individuals have been convicted and sentenced for this offense. Of the persons convicted, all 3 were male. Demographically, 1 was White and 2 were Black/African American.

### Engaging a Child

This bill replaces existing language with the term “commercial sexual activity” for the existing offense of engaging a child, a class 3 felony. From FY 2022-23 to FY 2024-25, 11 individuals have been convicted and sentenced for this offense. Of the persons convicted, all 11 were male. Demographically, 8 were White, 2 were Black/African American, and 1 was Asian.

### Assumptions

The following sections discuss assumptions about impacts to criminal sentencing based on the changes under the bill. Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

### Increased Sentencing to the CDOC—Human Trafficking for Sexual Servitude

The bill will increase sentences to the CDOC for the offenses of human trafficking for sexual servitude of an adult or minor based on the prior conviction data. First, from FY 2022-23 to FY 2024-25, there were a total of three distinct individuals that did not receive a sentence to the

CDOC, or about one per year. Second, there were a total of 16 sentences to the CDOC in that same period that were below the midpoint under the bill; however, this includes multiple sentences for the same offender, such that only 7 distinct individuals, or about 2 per year, received a sentence below the midpoint under the bill. The fiscal note assumes that the primary near-term impact of the bill is the additional persons with a required sentence to the CDOC. Requiring new midpoint sentences will have long-term impacts to prison population operating costs starting in FY 2034-35 given the length of sentences under current law.

### Minimal Sentencing Impacts—All Other Offenses

There will be minimal or no impacts to criminal case filings or sentences for all other offenses in the bill based. First, based on prior conviction data, the fiscal note assumes that there will continue to be minimal or no changes in sentencing for human trafficking for involuntary servitude of an adult or minor. Second, the inclusion of specific classifications for crimes against at-risk persons functions as a sentence enhancer rather than an entirely new crime since these offenses already exist under current law. Additionally, these crime classifications would apply in a narrow set of circumstances. Finally, the changes to the sex offenses involving children update terminology rather than create a substantially new factual basis for these crimes.

### State Revenue

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Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue. Under the bill, state revenue from probation supervision fees will decrease since fewer individuals will be sentenced to probation for human trafficking for sexual servitude. Additionally, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount from other changes to crimes.

### State Expenditures

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The bill increases state expenditures in the Department of Corrections by about \$68,000 in FY 2027-28 and increasing amounts in future years. These costs, paid from the General Fund, are summarized discussed below. The bill also minimally affects workload in the Judicial Department.

### Department of Corrections

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.

**CDOC Prison and Parole Costs (Five-year Fiscal Impact)**

Based on the assumptions provided in the Comparable Crime Analysis section, this bill increases prison operating costs for the CDOC by a total of about \$680,000 over the five-year period beginning in FY 2026-27. The fiscal note assumes no prison operating impacts will occur in the first year due to the amount of time required for criminal filing, trial, disposition and sentencing of each case. Once an offender is released from prison, they are assigned to parole. The parole impact is assumed to first occur in FY 2027-28. Table 2 shows the estimated cost of the bill over the next five fiscal years.

**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	\$0
FY 2027-28	1.00	\$68,135	0.00	\$0	\$68,135
FY 2028-29	2.00	\$136,269	0.00	\$0	\$136,269
FY 2029-30	3.00	\$204,404	0.00	\$0	\$204,404
FY 2030-31	4.00	\$272,538	0.00	\$0	\$272,538
<b>Total Five-Year Cost</b>		<b>\$681,346</b>		<b>\$0</b>	<b>\$681,346</b>

ADP=Average Daily Population.

**CDOC 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 CDOC to house additional inmates. Based on recent costs to build a medium security facility, capital construction costs of about \$1.7 million would be required to increase prison bed space in line with the estimated increase in prison population under this bill. 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.

## Long-Term CDOC Impacts

Starting in FY 2034-35, operating costs in the CDOC will increase by about \$136,000 because two additional individuals will remain incarcerated; this is based on the new midpoint sentences in the bill.

## Judicial Department and Independent Agencies

Starting in FY 2026-27, the bill will both minimally increase and decrease workload and costs for the Judicial Department. The trial courts and agencies that provide representation to indigent persons will experience an increase in workload to handle cases with more severe penalties; however, these cases already involve a significant amount of work and so the overall increase is expected to be minimal. Workload and costs in the Division of Probation will decrease from fewer individuals serving a sentence to probation, but given the small number of cases moving to the CDOC, the decrease is expected to be minimal. No change in appropriations is required.

## Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2 above.

## Local Government

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Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute cases with more severe penalties will be minimal given the work already involved. 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 July 1, 2026, and applies to offenses on or after this date.

## State and Local Government Contacts

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Corrections

District Attorneys

Judicial

Public Safety

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).