



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 26-015: COMMERCIAL SEXUAL ACTIVITY WITH A CHILD OFFENSES

Prime Sponsors:

Sen. Pelton B.; Roberts
Rep. Duran; Caldwell

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Fiscal note status: The revised fiscal note reflects the reengrossed bill.

Summary Information

Overview. The bill updates terminology regarding child prostitution crimes, mandates Department of Corrections sentences for these crimes, and adds elements and increases classifications to crimes regarding commercial sexual activity with a child.

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

- Minimal State Revenue
- Minimal 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	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill updates terminology regarding child prostitution crimes, mandates Department of Corrections (CDOC) sentences for these crimes, adds elements to the crime of soliciting commercial sexual activity with a child, and increases the classification for internet luring of a child if involving commercial sexual activity with a child, as described below.

Terminology Update and Mandatory Sentences

The bill replaces the term “child prostitution” with “commercial sexual activity with a child” across various crimes. For soliciting for commercial sexual activity with a child, the bill encourages courts to sentence persons convicted for the crime to the CDOC, and requires incarceration for 364 days in jail when a person is sentenced to probation. For the remaining crimes, which are listed in the Comparable Crime Analysis section below, the bill mandates a CDOC sentence.

Elements to the Crime of Soliciting Commercial Sexual Activity with a Child

The bill adds the element of knowing solicitation of a child to the crime of soliciting commercial sexual activity. In addition, under current law, an element of the crime of soliciting commercial sexual activity with a child includes arranging or offering to arrange a meeting of persons for the purposes of such activity. The bill adds the requirement that the person must know that the meeting will facilitate this activity to be guilty of the offense.

Internet Luring of a Child

Finally, the bill creates a new class 3 felony for the crime of internet luring of a child if the intent of the luring is for the purpose of engaging in commercial sexual activity. The bill requires that a person found guilty of the class 3 felony be sentenced to the CDOC.

Comparable Crime Analysis

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

Soliciting Commercial Sexual Activity with a Child

This bill creates a new factual basis for the existing offense of soliciting commercial sexual activity with a child, a class 3 felony, by adding the element of knowingly soliciting a child to the crime. It also mandates a sentence to the CDOC. From FY 2022-23 to FY 2024-25, 51 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, all 51 were male. Demographically, 37 were White, 3 were Black/African American, 5 were Hispanic, 3 were Asian, and 3 were classified as "Other."

Of these cases, 13 individuals were sentenced to the CDOC, leaving 38 not currently going to the CDOC, or about 13 per year.

Pandering of a Child

This bill mandates a sentence to the CDOC for the existing offense of pandering of a child, a class 2 or 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, all 4 were male. Demographically, 2 were White, and 2 were Black/African American.

Of these cases, all 4 individuals were sentenced to the CDOC, or about 1 per year.

Procurement of a Child

This bill mandates a sentence to the CDOC for the existing offense of procurement of a child, a class 3 felony. From FY 2022-23 to FY 2024-25, 1 Black/African American male was convicted and sentenced to the CDOC for this offense.

This offender was sentenced to the CDOC.

Keeping a Place for Commercial Sexual Activity with a Child

This bill mandates a sentence to the CDOC for the existing offense of keeping a place for commercial sexual activity with a child, a class 3 felony. From FY 2022-23 to FY 2024-25, no one has been convicted and sentenced for this offense.

Pimping of a Child

This bill mandates a sentence to the CDOC for the existing offense of pimping 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, 2 were male, and 1 was female. Demographically, 1 was White and 2 were Black/African American.

Of these cases, all 3 individuals were sentenced to the CDOC, or about 1 per year.

Inducement of Commercial Sexual Activity with a Child

This bill mandates a sentence to the CDOC for the existing offense of inducement of commercial sexual activity with a child, a class 3 felony. From FY 2022-23 to FY 2024-25, 1 Black/African American male has been convicted and sentenced for this offense.

That individual was sentenced to the CDOC.

Engaging in Commercial Sexual Activity with a Child

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

Of these cases, both individuals were sentenced to the CDOC, or about 1 per year.

Internet Luring of a Child with Intent in Engaging in Commercial Sexual Activity

This bill mandates a sentence to the CDOC for the existing offense of internet luring of a child, a class 3 felony, if the intent is to meet for the purpose of engaging in commercial sexual activity with a child. From FY 2022-23 to FY 2024-25, 29 individuals have been convicted and sentenced for the current class 4 felony offense. Of the persons convicted, all 29 were male.

Demographically, 24 were White, 3 were Black/African American, 1 was Hispanic, and 1 was classified as "Other".

Of these cases, 11 individuals were sentenced to the CDOC, leaving 18 individuals not sentenced to the CDOC, or 6 per year.

Assumptions

Sentences for Commercial Sexual Activity with a Child

The fiscal note assumes that judges will continue sentence offenders convicted of soliciting commercial sexual activity with a child to county jails, as encouraged in the bill, which will increase county incarceration costs. Otherwise, the fiscal note assumes changes to CDOC caseload will be minimal as the remaining crimes already receive a CDOC sentence.

Minimal Sentencing Impact from Internet Luring of a Child

The bill makes it a class 3 felony if an individual lures a child on the internet with the intent to meet for the purpose of engaging in commercial sexual activity with a child. Based on the CDOC data above, for the class 4 felony, 18 individuals are receiving an alternative sentence. On average this is 6 individuals per year not receiving a CDOC sentence for the class 4 felony.

A review by the Judicial Department showed that of the cases identified, about 2 cases per year involved commercial sexual activity with a child. Due to the low number identified, and the fact that currently class 4 felonies are going to the CDOC, the fiscal note assumes that this change in the bill will drive a minimal number of additional individuals to the CDOC.

State Revenue

By increasing the felony class for internet luring of a child, the bill may increase state revenue from criminal fines and court fees by a minimal amount beginning in FY 2026-27, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty for a class 4 felony is \$2,000 to \$500,000 and the fine penalty for a class 3 felony is \$3,000 to \$750,000. Because the courts have the discretion of incarceration, imposing a fine, or both, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

State Expenditures

Beginning in FY 2026-27, the bill may decrease workload and costs in the Judicial Department. It may also increase state General Fund expenditures in the Department of Corrections, as discussed below.

Judicial Department

The bill may increase workload to the trial courts and agencies that represent indigent offenders to the extent CDOC mandated sentences result in longer trial. However, to the extent that less offenders are sentenced to probation, workload and costs in the Division of Probation will decrease. Based on the assumptions above, any decrease is expected to be minimal.

Department of Corrections

To the extent that the bill increases the number of persons sentenced to prison, costs will increase. However, based on the assumptions listed above, the fiscal note assumes any increase will be minimal and that any increase in costs will be addressed through the annual budget process, if necessary.

Local Government

County Jails

The bill will increase costs to county jails to incarcerate an additional 13 individuals per year, as discussed in the Comparable Crime Analysis section. Exact costs will depend on which county jail an individual is incarcerated in, but range up to \$350 per day, or \$127,400 per 364 days, per individual.

District Attorneys

Beginning in FY 2026-27, the bill increases workload for district attorneys to the extent mandatory CDOC sentences and increased classifications increase the length of court cases. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Effective Date

The bill takes effect July 1, 2026, and applies to offenses on or after this date.

State and Local Government Contacts

Corrections

District Attorneys

Counties

Sheriffs