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SENATE BILL 26-015

BY SENATOR(S) Pelton B. and Roberts, Baisley, Benavidez, Bridges, Bright, Carson, Catlin, Danielson, Exum, Frizell, Kirkmeyer, Kolker, Lindstedt, Liston, Marchman, Mullica, Pelton R., Rich, Simpson, Snyder, Sullivan, Zamora Wilson, Coleman;
also REPRESENTATIVE(S) Duran and Caldwell, Barron, Boesenecker, Brown, Clifford, Flanell, Gonzalez R., Hartsook, Johnson, Keltie, Lieder, Lindsay, Lukens, Marshall, Nguyen, Richardson, Rutinel, Weinberg, Winter T., Woog, McCluskie.

CONCERNING OFFENSES INVOLVING COMMERCIAL SEXUAL ACTIVITY WITH A CHILD.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Because of the harms suffered by victims of crimes involving commercial sexual activity with a child, the general assembly encourages courts to exercise their discretion to sentence persons convicted of soliciting for commercial sexual activity with a child to the department of corrections for a term of at least the minimum of the presumptive range for a class 3

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

felony, as set forth in section 18-1.3-401; and

(b) In making a determination regarding sentencing, diversion, probation, or other disposition involving an adult defendant accused of committing soliciting for commercial sexual activity with a child, the general assembly encourages the court to consider whether the defendant is a current victim of human trafficking or has experienced coercion, force, fraud, abuse, or exploitation associated with human trafficking.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 18-7-401 as follows:

18-7-401. Definitions.

AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHILD" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE.

(2) "COMMERCIAL SEXUAL ACTIVITY" MEANS SEXUAL ACTIVITY FOR WHICH ANYTHING OF VALUE IS GIVEN TO, PROMISED TO, OR RECEIVED BY A PERSON.

(3) "SEXUAL ACTIVITY" MEANS:

(a) SEXUAL CONTACT, AS DEFINED IN SECTION 18-3-401 (4);

(b) SEXUAL INTRUSION, AS DEFINED IN SECTION 18-3-401 (5);

(c) SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401 (6);

(d) SEXUAL EXPLOITATION OF A CHILD PURSUANT TO SECTION 18-6-403 (3)(a) AND (3)(d); OR

(e) AN OBSCENE PERFORMANCE, AS DEFINED IN SECTION 18-7-101.

SECTION 3. In Colorado Revised Statutes, **amend** 18-7-402 as follows:

18-7-402. Soliciting for commercial sexual activity with a child

- sentencing.

(1) A person commits soliciting for ~~child prostitution if he~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD IF THE PERSON:

(a) KNOWINGLY SOLICITS A CHILD FOR COMMERCIAL SEXUAL ACTIVITY;

~~(a)~~ (b) KNOWINGLY solicits another for ~~the purpose of prostitution of a child or by a child~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD;

~~(b)~~ (c) Arranges or offers to arrange a meeting of persons for ~~the purpose of prostitution of a child or by a child~~ KNOWING THE MEETING WILL FACILITATE COMMERCIAL SEXUAL ACTIVITY WITH A CHILD; or

~~(c)~~ (d) Directs another to a place knowing ~~such~~ THE direction is for ~~the purpose of prostitution of a child or by a child~~ WILL FACILITATE COMMERCIAL SEXUAL ACTIVITY WITH A CHILD.

(2) (a) Soliciting for ~~child prostitution~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD is a class 3 felony.

(b) A PERSON CONVICTED OF SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD SHALL BE SENTENCED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 18-1.3-401 AND THIS SUBSECTION (2).

(c) IF THE COURT SENTENCES THE PERSON TO A TERM OF PROBATION AS PERMITTED BY SECTION 18-1.3-202, THE COURT SHALL ORDER AS A CONDITION OF PROBATION, IN ADDITION TO THE REQUIREMENTS OF SECTION 18-1.3-1007 (1)(a), THAT THE PERSON SERVE THREE HUNDRED SIXTY-FOUR DAYS IMPRISONMENT IN THE COUNTY JAIL. DURING THE MANDATORY PERIOD OF IMPRISONMENT, THE PERSON IS NOT ELIGIBLE FOR DEDUCTIONS OF THEIR SENTENCE PURSUANT TO SECTION 17-26-109, INCLUDING FOR TRUSTY PRISONER STATUS PURSUANT TO SECTION 17-26-109 (1)(b); EXCEPT THAT THE PERSON RECEIVES CREDIT FOR THE TIME SERVED IN CUSTODY FOR THE OFFENSE PRIOR TO THE CONVICTION. DURING THE MANDATORY PERIOD OF IMPRISONMENT, THE COURT DOES NOT HAVE DISCRETION TO EMPLOY ANY SENTENCING ALTERNATIVES DESCRIBED IN SECTION 18-1.3-106.

SECTION 4. In Colorado Revised Statutes, **amend** 18-7-403 as

follows:

18-7-403. Pandering of a child.

(1) ~~Any~~ A person who does any of the following for money or other thing of value commits pandering of a child:

(a) Inducing a child by menacing or criminal intimidation to ~~commit prostitution~~ ENGAGE IN COMMERCIAL SEXUAL ACTIVITY; or

(b) Knowingly arranging or offering to arrange a situation in which a child may ~~practice prostitution~~ ENGAGE IN COMMERCIAL SEXUAL ACTIVITY.

(2) (a) ~~Pandering under paragraph (a) of subsection (1)~~ OF A CHILD PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION IS A CLASS 2 FELONY. THE COURT SHALL SENTENCE A PERSON CONVICTED OF PANDERING OF A CHILD AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 2 FELONY, AS SET FORTH IN SECTION 18-1.3-401.

(b) ~~Pandering under paragraph (b) of subsection (1)~~ OF A CHILD PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION IS A CLASS 3 FELONY. THE COURT SHALL SENTENCE A PERSON CONVICTED OF PANDERING OF A CHILD AS DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 5. In Colorado Revised Statutes, **amend** 18-7-403.5 as follows:

18-7-403.5. Procurement of a child.

(1) ~~Any~~ A person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available, to another person a child ~~for the purpose of prostitution of the child~~ COMMERCIAL SEXUAL ACTIVITY commits procurement of a child. ~~which is a class 3 felony.~~

(2) PROCUREMENT OF A CHILD IS A CLASS 3 FELONY. THE COURT SHALL SENTENCE A PERSON CONVICTED OF PROCUREMENT OF A CHILD TO

THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 6. In Colorado Revised Statutes, **amend** 18-7-404 as follows:

18-7-404. Keeping a place for commercial sexual activity with a child.

(1) ~~Any~~ A person who has or exercises control over the use of any place which offers seclusion or shelter for ~~the practice of prostitution and who performs any one or more of the following~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD commits keeping a place of ~~child prostitution~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD if ~~he~~ THE PERSON:

(a) Knowingly grants or permits the use of ~~such~~ THE place for ~~the purpose of prostitution of a child or by a child~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD; or

(b) Permits the continued use of ~~such~~ THE place for ~~the purpose of prostitution of a child or by a child~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD after becoming aware of facts or circumstances from which ~~he~~ THE PERSON should reasonably know that the place is being used for ~~purposes of such prostitution~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD.

(2) Keeping a place of ~~child prostitution~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD is a class 3 felony. THE COURT SHALL SENTENCE A PERSON CONVICTED OF KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 7. In Colorado Revised Statutes, **amend** 18-7-405 as follows:

18-7-405. Pimping of a child.

(1) ~~Any~~ A person who knowingly lives on or is supported or maintained in whole or in part by money or other thing of value earned,

received, procured, or realized by a child through ~~prostitution~~ COMMERCIAL SEXUAL ACTIVITY commits pimping of a child. ~~which is a class 3 felony.~~

(2) PIMPING OF A CHILD IS A CLASS 3 FELONY. THE COURT SHALL SENTENCE A PERSON CONVICTED OF PIMPING OF A CHILD TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 8. In Colorado Revised Statutes, **amend** 18-7-405.5 as follows:

18-7-405.5. Inducement of commercial sexual activity with a child.

(1) ~~Any~~ A person who by word or action, other than conduct specified in section 18-7-403 (1)(a), induces a child to engage in ~~an act which is prostitution by a child, as defined in section 18-7-401 (6);~~ COMMERCIAL SEXUAL ACTIVITY commits inducement of ~~child prostitution~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD.

(2) ~~Inducement of child prostitution~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD is a class 3 felony. THE COURT SHALL SENTENCE A PERSON CONVICTED OF INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 9. In Colorado Revised Statutes, **amend** 18-7-406 as follows:

18-7-406. Engaging in commercial sexual activity with a child.

(1) ~~Any~~ A person who performs any of the following with a child ~~not his spouse~~ commits ~~patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD:

(a) ~~Engages in an act which is prostitution of a child or by a child, as defined in section 18-7-401 (6) or (7)~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD; or

(b) Enters or remains in a place ~~of prostitution~~ FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD with intent to engage in ~~an act which is prostitution of a child or by a child, as defined in section 18-7-401 (6) or (7)~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD.

(2) ~~Patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD is a class 3 felony. THE COURT SHALL SENTENCE A PERSON CONVICTED OF ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 10. In Colorado Revised Statutes, 18-3-306, **amend** (3) as follows:

18-3-306. Internet luring of a child.

(3) Internet luring of a child is a class 5 felony; except that:

(a) INTERNET luring of a child is a class 4 felony if committed with the intent to meet for the purpose of engaging in sexual exploitation as defined in section 18-6-403 or sexual contact as defined in section 18-3-401; AND

(b) INTERNET LURING OF A CHILD IS A CLASS 3 FELONY IF COMMITTED WITH THE INTENT TO MEET FOR THE PURPOSE OF ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD AS DEFINED IN SECTION 18-3-502 (3). THE COURT SHALL SENTENCE A PERSON CONVICTED OF INTERNET LURING OF A CHILD AS DESCRIBED IN THIS SUBSECTION (3)(b) TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 11. In Colorado Revised Statutes, 18-1.3-202, **amend** (1)(a); and **add** (1)(c) as follows:

18-1.3-202. Probationary power of court.

(1) (a) When it appears to the satisfaction of the court that the ends of justice and the best interest of the public, as well as the defendant, will be served thereby, the court may grant the defendant probation for such

period and upon such terms and conditions as it deems best. The length of probation shall be subject to the discretion of the court and may exceed the maximum period of incarceration authorized for the classification of the offense of which the defendant is convicted but shall not exceed five years for any misdemeanor or petty offense. If the court chooses to grant the defendant probation, the order placing the defendant on probation shall take effect upon entry and, if any appeal is brought, shall remain in effect pending review by an appellate court unless the court grants a stay of probation pursuant to section 16-4-201. Unless an appeal is filed that raises a claim that probation was granted contrary to the provisions of this title, the trial court shall retain jurisdiction of the case for the purpose of adjudicating complaints filed against the defendant that allege a violation of the terms and conditions of probation. In addition to imposing other conditions, the court has the power to commit the defendant to any jail operated by the county or city and county in which the offense was committed during such time or for such intervals within the period of probation as the court determines. Except as described in ~~subsection (1)(b)~~ SUBSECTIONS (1)(b) AND (1)(c) of this section, the aggregate length of any such commitment whether continuous or at designated intervals may not exceed ninety days for a felony, sixty days for a misdemeanor, or ten days for a petty offense unless it is a part of a work release program pursuant to section 18-1.3-207. That the defendant submit to commitment imposed under this section is deemed a condition of probation.

(c) FOR A DEFENDANT WHO IS CONVICTED OF AN OFFENSE DESCRIBED IN SECTION 18-7-402, THE AGGREGATE LENGTH OF ANY COMMITMENT TO A COUNTY JAIL IS DETERMINED AS PROVIDED IN SECTION 18-7-402 (2)(c).

SECTION 12. In Colorado Revised Statutes, 14-10-129, **amend** (3)(b) introductory portion, (3)(b)(XIV), (3)(b)(XVII), (3)(b)(XIX), (3)(b)(XX), and (3)(c); and **add** (3)(b)(XXI), (3)(b)(XXII), (3)(b)(XXIII), and (3)(b)(XXIV) as follows:

14-10-129. Modification of parenting time.

(3) (b) ~~The provisions of paragraph (a) of this subsection (3) shall apply~~ SUBSECTION (3)(a) OF THIS SECTION APPLIES to the following crimes:

(XIV) Soliciting for child prostitution, as defined in section 18-7-402, ~~C.R.S.~~ AS IT EXISTED PRIOR TO JULY 1, 2026;

(XVII) Keeping a place of child prostitution, as defined in section 18-7-404, ~~C.R.S.~~ AS IT EXISTED PRIOR TO JULY 1, 2026;

(XIX) Inducement of child prostitution, as defined in section 18-7-405.5, ~~C.R.S.~~ AS IT EXISTED PRIOR TO JULY 1, 2026;

(XX) Patronizing a prostituted child, as defined in section 18-7-406, ~~C.R.S.~~ AS IT EXISTED PRIOR TO JULY 1, 2026;

(XXI) SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, AS DEFINED IN SECTION 18-7-402;

(XXII) KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, AS DEFINED IN SECTION 18-7-404;

(XXIII) INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, AS DEFINED IN SECTION 18-7-405.5;

(XXIV) ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, AS DEFINED IN SECTION 18-7-406.

(c) If the party was convicted in another state or jurisdiction of an offense that, if committed in Colorado, would constitute an offense listed in ~~subparagraphs (II) to (XX) of paragraph (b) of this subsection (3)~~ SUBSECTIONS (3)(b)(III) TO (3)(b)(XXIV) OF THIS SECTION, the court shall order that party to submit to a sex-offense-specific evaluation and a parental risk assessment in Colorado, and the court shall consider the recommendations of the evaluation and the assessment in any order the court makes relating to parenting time or parental contact. The convicted party shall pay for the costs of the evaluation and the assessment.

SECTION 13. In Colorado Revised Statutes, 16-8-115, **amend** (4)(g)(XIV), (4)(g)(XVII), (4)(g)(XIX), and (4)(g)(XX); and **add** (4)(g)(XX.5) as follows:

16-8-115. Release from commitment after verdict of not guilty by reason of insanity or not guilty by reason of impaired mental condition - definitions.

(4) (g) As used in this subsection (4), "an offense involving

unlawful sexual behavior" means any of the following offenses:

(XIV) ~~Soliciting for child prostitution~~ SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-402; ~~C.R.S.~~;

(XVII) ~~Keeping a place of child prostitution~~ KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-404; ~~C.R.S.~~;

(XIX) ~~Inducement of child prostitution~~ INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-405.5; ~~C.R.S.~~;

(XX) ~~Patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-406; ~~C.R.S.~~;
or

(XX.5) AS EACH OF THE FOLLOWING OFFENSES EXISTED PRIOR TO JULY 1, 2026: SOLICITING FOR CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-402; KEEPING A PLACE OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-404; INDUCEMENT OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-405.5; OR PATRONIZING A PROSTITUTED CHILD, IN VIOLATION OF SECTION 18-7-406; OR

SECTION 14. In Colorado Revised Statutes, 16-11.7-102, **amend** (3) introductory portion, (3)(n), (3)(q), (3)(s), (3)(t), and (3)(v); and **add** (3)(t.5) as follows:

16-11.7-102. Definitions.

As used in this article 11.7, unless the context otherwise requires:

(3) "Sex offense" means any OF THE FOLLOWING felony or misdemeanor ~~offense described in this subsection (3) as follows~~ OFFENSES:

(n) ~~Soliciting for child prostitution~~ SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-402; ~~C.R.S.~~;

(q) ~~Keeping a place of child prostitution~~ KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section

18-7-404; ~~C.R.S.~~;

(s) ~~Inducement of child prostitution~~ INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-405.5; ~~C.R.S.~~;

(t) ~~Patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-406; ~~C.R.S.~~;

(t.5) AS EACH OF THE FOLLOWING OFFENSES EXISTED PRIOR TO JULY 1, 2026: SOLICITING FOR CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-402; KEEPING A PLACE OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-404; INDUCEMENT OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-405.5; OR PATRONIZING A PROSTITUTED CHILD, IN VIOLATION OF SECTION 18-7-406;

(v) CLASS 3 AND class 4 felony internet luring of a child, in violation of section 18-3-306 (3); ~~C.R.S.~~;

SECTION 15. In Colorado Revised Statutes, 16-13-303, **amend** (1) introductory portion and (1)(g); and **add** (1)(g.1) as follows:

16-13-303. Class 1 public nuisance.

(1) Every building or part of a building, including the ground upon which it is situate and all fixtures and contents thereof, every vehicle, and any real property ~~shall be~~ IS deemed a class 1 public nuisance when:

(g) Used for prostitution of a child, as defined in section 18-7-401, ~~C.R.S.~~ AS IT EXISTED PRIOR TO JULY 1, 2026, or used as a place where the commission of ANY OF THE FOLLOWING, AS THEY EXISTED PRIOR TO JULY 1, 2026, OCCURRED: Soliciting for child prostitution, as defined in section 18-7-402; ~~C.R.S.~~, ~~pandering of a child, as defined in section 18-7-403, C.R.S.~~, keeping a place of child prostitution, as defined in section 18-7-404; ~~C.R.S.~~, ~~pimping of a child, as defined in section 18-7-405, C.R.S.~~, or inducement of child prostitution, as defined in section 18-7-405.5; ~~C.R.S.~~; ~~occurs;~~

(g.1) USED AS A PLACE WHERE THE COMMISSION OF ANY OF THE FOLLOWING OCCURS: SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, AS DEFINED IN SECTION 18-7-402; PANDERING OF A CHILD, AS

DEFINED IN SECTION 18-7-403; KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, AS DEFINED IN SECTION 18-7-404; PIMPING OF A CHILD, AS DEFINED IN SECTION 18-7-405; OR INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, AS DEFINED IN SECTION 18-7-405.5;

SECTION 16. In Colorado Revised Statutes, 16-22-102, **amend** (9)(n), (9)(q), (9)(s), (9)(t), and (9)(x); and **add** (9)(t.5) as follows:

16-22-102. Definitions.

As used in this article 22, unless the context otherwise requires:

(9) "Unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(n) ~~Soliciting for child prostitution~~ SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-402; ~~C.R.S.;~~

(q) ~~Keeping a place of child prostitution~~ KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-404; ~~C.R.S.;~~

(s) ~~Inducement of child prostitution~~ INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-405.5; ~~C.R.S.;~~

(t) ~~Patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-406; ~~C.R.S.;~~

(t.5) AS EACH OF THE FOLLOWING OFFENSES EXISTED PRIOR TO JULY 1, 2026: SOLICITING FOR CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-402; KEEPING A PLACE OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-404; INDUCEMENT OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-405.5; OR PATRONIZING A PROSTITUTED CHILD, IN VIOLATION OF SECTION 18-7-406;

(x) CLASS 3 AND class 4 felony internet luring of a child, in violation of section 18-3-306 (3); ~~C.R.S.;~~

SECTION 17. In Colorado Revised Statutes, 16-22-108, **amend**

(2.5)(c) as follows:

16-22-108. Registration - procedure - frequency - place - change of address - fee.

(2.5) (c) For purposes of this section, "child sex crime" means:

(I) Sexual assault on a child, as described in section 18-3-405; ~~€R.S.;~~ sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; ~~€R.S.;~~ unlawful sexual contact, as described in section 18-3-404 (1.5); ~~€R.S.;~~ enticement of a child, as described in section 18-3-305; ~~€R.S.;~~ aggravated incest, as described in section 18-6-302 (1)(b); ~~€R.S.;~~ human trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); ~~€R.S.;~~ sexual exploitation of children, as described in section 18-6-403; ~~€R.S.;~~ procurement of a child for sexual exploitation, as described in section 18-6-404; ~~€R.S.;~~ ~~soliciting for child prostitution~~ SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-402; ~~€R.S.;~~ pandering of a child, as described in section 18-7-403; ~~€R.S.;~~ procurement of a child, as described in section 18-7-403.5; ~~€R.S.;~~ ~~keeping a place of child prostitution~~ KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-404; ~~€R.S.;~~ pimping of a child, as described in section 18-7-405; ~~€R.S.;~~ ~~inducement of child prostitution~~ INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-405.5; ~~€R.S.;~~ ~~patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-406; ~~€R.S.;~~ internet luring of a child, as described in section 18-3-306; ~~€R.S.;~~ internet sexual exploitation of a child, as described in section 18-3-405.4; ~~€R.S.;~~ wholesale promotion of obscenity to a minor, as described in section 18-7-102 (1.5); ~~€R.S.;~~ promotion of obscenity to a minor, as described in section 18-7-102 (2.5); ~~€R.S.;~~ sexual assault, as described in section 18-3-402 (1)(d) and (1)(e); ~~€R.S.;~~ sexual assault in the second degree as it existed prior to July 1, 2000, as described in section 18-3-403 (1)(e) and (1)(e.5); ~~€R.S.;~~

(II) EACH OF THE FOLLOWING OFFENSES, AS THEY EXISTED PRIOR TO JULY 1, 2026: SOLICITING FOR CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-402; KEEPING A PLACE OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-404; INDUCEMENT OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-405.5; OR PATRONIZING A PROSTITUTED CHILD, IN

VIOLATION OF SECTION 18-7-406; or

(III) Criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this ~~paragraph (c)~~ SUBSECTION (2.5)(c).

SECTION 18. In Colorado Revised Statutes, 18-1.3-101, **amend** (7) introductory portion and (7)(i) as follows:

18-1.3-101. Pretrial diversion - appropriation - repeal.

(7) Notwithstanding any other provision of this section, an individual accused of any of the following sexual offenses is not eligible for participation in a diversion program established in a jurisdiction that receives state ~~moneys~~ MONEY for the creation or operation of diversion programs pursuant to this section:

(i) ~~Any child prostitution~~ AN offense in part 4 of article 7 of this ~~title~~ TITLE 18.

SECTION 19. In Colorado Revised Statutes, 18-1.3-1003, **amend** (5)(a)(X) and (5)(a)(XI) as follows:

18-1.3-1003. Definitions.

As used in this part 10, unless the context otherwise requires:

(5) (a) "Sex offense" means any of the following offenses:

(X) ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, AS DESCRIBED IN SECTION 18-7-406; OR patronizing a prostituted child, as described in section 18-7-406, AS IT EXISTED PRIOR TO JULY 1, 2026;

(XI) CLASS 3 AND class 4 felony internet luring of a child, in violation of section 18-3-306 (3);

SECTION 20. In Colorado Revised Statutes, 18-3-407, **amend** (2) introductory portion as follows:

18-3-407. Victim's and witness's prior history - evidentiary hearing - victim's identity - protective order.

(2) In any criminal prosecution for CLASS 3 OR class 4 felony internet luring of a child, as described in section 18-3-306 (3) or ~~under~~ PURSUANT TO sections 18-3-402 to 18-3-405.5, 18-3-504, 18-6-301, 18-6-302, 18-6-403, 18-6-404, and any offense described in part 4 of article 7 of this title 18, or for attempt or conspiracy to commit any of these crimes, if evidence that is not excepted ~~under~~ PURSUANT TO subsection (1) of this section of specific instances of the victim's or a witness's prior or subsequent sexual conduct; opinion evidence of the victim's or a witness's sexual conduct; reputation evidence of the victim's or a witness's sexual conduct; or evidence that the victim or a witness has at least one incident of false reporting of unlawful sexual behavior prior to or subsequent to the alleged offense is to be offered at trial, the following procedure shall be followed:

SECTION 21. In Colorado Revised Statutes, 18-3-411, **amend** (1) as follows:

18-3-411. Sex offenses against children - limitation for commencing proceedings - evidence - statutory privilege - definition.

(1) As used in this section, "unlawful sexual offense" means:

(a) Enticement of a child, as described in section 18-3-305; sexual assault, as described in section 18-3-402, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the first degree, as described in section 18-3-402, as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the second degree, as described in section 18-3-403 (1)(a), (1)(b), (1)(c), (1)(d), (1)(g), or (1)(h), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age, or as described in section 18-3-403 (1)(e), as it existed prior to July 1, 2000, when the victim is less than fifteen years of age and the actor is at least four years older than the victim; unlawful sexual contact, as described in section 18-3-404 (1)(a), (1)(b), (1)(c), (1)(d), (1)(f), or (1)(g), when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the third degree, as described in section 18-3-404 (1)(a), (1)(b), (1)(c), (1)(d), (1)(f), or (1)(g), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault on a child, as described in

section 18-3-405; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; aggravated incest, as described in section 18-6-302; human trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; indecent exposure, as described in section 18-7-302; ~~soliciting for child prostitution~~ SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; ~~keeping a place of child prostitution~~ KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; ~~inducement of child prostitution~~ INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-405.5; ~~patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-406; CLASS 3 OR class 4 felony internet luring of a child, as described in section 18-3-306 (3); internet sexual exploitation of a child, as described in section 18-3-405.4; unlawful electronic sexual communication, as described in section 18-3-418;

(b) EACH OF THE FOLLOWING OFFENSES, AS THEY EXISTED PRIOR TO JULY 1, 2026: SOLICITING FOR CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-402; KEEPING A PLACE OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-404; INDUCEMENT OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-405.5; OR PATRONIZING A PROSTITUTED CHILD, IN VIOLATION OF SECTION 18-7-406; or

(c) Criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

SECTION 22. In Colorado Revised Statutes, 18-3-412, **amend** (1) as follows:

18-3-412. Habitual sex offenders against children - indictment or information - verdict of the jury.

(1) For the purpose of this section, "unlawful sexual offense" means:

(a) Sexual assault, as described in section 18-3-402, when the victim

at the time of the commission of the act is a child less than fifteen years of age, sexual assault in the first degree, as described in section 18-3-402, as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the second degree, as described in section 18-3-403 (1)(a), (1)(b), (1)(c), (1)(d), (1)(g), or (1)(h), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age, or as described in section 18-3-403 (1)(e), as it existed prior to July 1, 2000, when the victim is less than fifteen years of age and the actor is at least four years older than the victim; unlawful sexual contact, as described in section 18-3-404 (1)(a), (1)(b), (1)(c), (1)(d), (1)(f), or (1)(g), when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the third degree, as described in section 18-3-404 (1)(a), (1)(b), (1)(c), (1)(d), (1)(f), or (1)(g), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault on a child, as described in section 18-3-405; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; aggravated incest, as described in section 18-6-302; human trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; ~~soliciting for child prostitution~~ SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; ~~keeping a place of child prostitution~~ KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; ~~inducement of child prostitution~~ INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-405.5; ~~patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-406;

(b) EACH OF THE FOLLOWING OFFENSES, AS THEY EXISTED PRIOR TO JULY 1, 2026: SOLICITING FOR CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-402; KEEPING A PLACE OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-404; INDUCEMENT OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-405.5; OR PATRONIZING A PROSTITUTED CHILD, IN VIOLATION OF SECTION 18-7-406; or

(c) Criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

SECTION 23. In Colorado Revised Statutes, 18-12-108, **amend** (7)(u) as follows:

18-12-108. Possession of weapons by previous offenders.

(7) In addition to a conviction for felony crime as defined in section 24-4.1-302 (1), a felony conviction or adjudication for one of the following felonies prohibits a person from possessing, using, or carrying upon the person a firearm as defined in section 18-1-901 (3)(h) or any other weapon that is subject to this article 12 pursuant to subsection (1) or (3) of this section:

(u) KEEPING A PLACE OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, IN VIOLATION OF SECTION 18-7-404, AND keeping a place of child prostitution in violation of section 18-7-404, AS IT EXISTED PRIOR TO JULY 1, 2026;

SECTION 24. In Colorado Revised Statutes, 18-17-103, **amend** (5)(b) introductory portion and (5)(b)(VI) as follows:

18-17-103. Definitions.

As used in this article 17, unless the context otherwise requires:

(5) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(b) Any violation of the following ~~provisions of the~~ Colorado statutes or any criminal act committed in any jurisdiction of the United States that, if committed in this state, would be a crime under the following ~~provisions of the~~ Colorado statutes:

(VI) Offenses relating to morals, as defined in sections 18-7-102 (wholesale promotion of obscenity or promotion of obscenity), 18-7-203 (pandering), 18-7-206 (pimping), 18-7-402 (soliciting for ~~child prostitution~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD), 18-7-403 (pandering of a

child), 18-7-404 (keeping a place of ~~child prostitution~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD), ~~and~~ 18-7-405 (pimping of a child), AND THE OFFENSES IN SECTIONS 18-7-402, 18-7-404, AND 18-7-405, AS THOSE SECTIONS EXISTED BEFORE JULY 1, 2026;

SECTION 25. In Colorado Revised Statutes, 24-4.1-302, **amend** (1)(II) as follows:

24-4.1-302. Definitions.

As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(1) "Crime" means any of the following offenses, acts, and violations as defined by the statutes of the state of Colorado, whether committed by an adult or a juvenile:

(II) ~~Child prostitution, in violation of section 18-7-401, C.R.S.;~~ ~~soliciting for child prostitution~~ SOLICITING FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-402; ~~C.R.S.;~~ procurement of a child for sexual exploitation, in violation of section 18-6-404; ~~C.R.S.;~~ pimping of a child, in violation of section 18-7-405; ~~C.R.S.;~~ ~~inducement of child prostitution~~ INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-405.5; ~~C.R.S.;~~ ~~or patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-406; ~~C.R.S.;~~ SOLICITING FOR CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-402, AS IT EXISTED PRIOR TO JULY 1, 2026; INDUCEMENT OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-405.5, AS IT EXISTED PRIOR TO JULY 1, 2026; OR PATRONIZING A PROSTITUTED CHILD, IN VIOLATION OF SECTION 18-7-406, AS IT EXISTED PRIOR TO JULY 1, 2026;

SECTION 26. Effective date - applicability. This act takes effect July 1, 2026, and sections 2 to 10 of this act apply to offenses committed on or after said date.

SECTION 27. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO