

An Act

SENATE BILL 24-011

BY SENATOR(S) Winter F. and Cutter, Buckner, Coleman, Danielson, Exum, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Marchman, Michaelson Jenet, Mullica, Priola, Roberts, Rodriguez;
also REPRESENTATIVE(S) Duran and Willford, Amabile, Bacon, Bird, Clifford, deGruy Kennedy, English, Froelich, Herod, Lindsay, Parenti, Pugliese, Ricks, Rutinel, Titone, Weissman, Young.

CONCERNING MEASURES TO INCREASE PROTECTION FROM HARM CAUSED THROUGH THE USE OF TECHNOLOGY.

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) Three in ten adults, including half of 18- to 29-year-olds, in the United States have used a dating site or app;

(b) 31% of women on dating apps surveyed had been sexually assaulted or raped by someone they met through a dating app;

(c) Three in four users experienced dating app-facilitated sexual

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.

violence, with the highest rates among LGBTQIA users;

(d) It is relatively easy for minors to create profiles and use dating apps, because most apps do not verify the identity or age of the account holder;

(e) Predators have repeatedly used dating app platforms for serial criminal enterprises for financial fraud, as well as stalking, homicide, and rape;

(f) Colorado is in the top five most dangerous states for online dating;

(g) The small size and inexpensive nature of available tracking devices enable tracking devices to increasingly be used to track people and their property without consent;

(h) From 2019 to 2023, there was a 550% increase in sexual deepfakes published online;

(i) Intimate image abuse, including images that are digitally created or altered, affects survivors' mental health, including a high risk of suicide, and may negatively impact survivors' employment prospects, academic success, and physical well-being; and

(j) The risks and reality of technology-facilitated crimes impacts the public and is a matter of statewide public safety and concern.

(2) Therefore, in order to improve the public health, safety, and welfare of Coloradans, it is necessary to ensure that:

(a) Each online dating service develops thoughtful and transparent safety policies that are posted in a conspicuous place on the service's website or app for users;

(b) Online dating services take prompt remedial action for misconduct carried out through dating sites or apps;

(c) Data regarding the frequency of reported misconduct and the responses of dating sites or apps is tracked and available to consumers;

(d) An online dating service can be held accountable when it fails to act on reports of misconduct or criminal attacks;

(e) Consent is required for tracking a person or another's property; and

(f) Existing intimate image abuse laws include deepfakes and digitally altered images.

SECTION 2. In Colorado Revised Statutes, **add 6-1-731.5** as follows:

6-1-731.5. Online dating services - deceptive trade practice - policy required - report - rules - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "MEMBER" AND "MEMBER IN THIS STATE" HAVE THE SAME MEANING SET FORTH IN SECTION 6-1-731.

(b) "MISCONDUCT THAT THREATENS PUBLIC OR PERSONAL SAFETY" MEANS AN ACT, THREATENED ACT, OR ATTEMPTED ACT OF HOMICIDE, UNLAWFUL SEXUAL BEHAVIOR, ASSAULT, KIDNAPPING, STALKING, HARASSMENT, INVOLUNTARY INTOXICATION, ROBBERY, THEFT, OR ANY OTHER CONDUCT THAT THREATENS PUBLIC OR ANOTHER PERSON'S SAFETY.

(c) "ONLINE DATING SERVICE" HAS THE SAME MEANING SET FORTH IN SECTION 6-1-731.

(d) "ONLINE DATING SERVICE CONTRACT" HAS THE SAME MEANING SET FORTH IN SECTION 6-1-731.

(e) "REMEDIAL ACTION" MEANS SUSPENDING THE MEMBER'S PROFILE FROM THE SERVICE, BARRING THE MEMBER FROM THE SERVICE, OR PROVIDING ACTUAL NOTICE THAT IT RECEIVED A REPORT OF PROHIBITED CONTENT AND CONDUCT TO OTHER MEMBERS WHO HAVE HAD CONTACT ON THE SERVICE WITH THE MEMBER WHO WAS THE SUBJECT OF THE REPORTS.

(f) "SAFETY POLICY" MEANS AN ONLINE DATING SERVICE'S SAFETY POLICY REQUIRED IN SUBSECTION (2) OF THIS SECTION.

(2) AN ONLINE DATING SERVICE SHALL ADOPT A SAFETY POLICY THAT COMPLIES WITH THIS SUBSECTION (2). AN ONLINE DATING SERVICE THAT HAS A MEMBER LOCATED IN THIS STATE ON THE EFFECTIVE DATE OF THIS SECTION SHALL MAKE THE SAFETY POLICY EFFECTIVE ON OR BEFORE JANUARY 1, 2025. AN ONLINE DATING SERVICE THAT REGISTERS ITS FIRST MEMBER IN THIS STATE AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL MAKE THE SAFETY POLICY EFFECTIVE ONE YEAR AFTER IT REGISTERS ITS FIRST MEMBER IN THIS STATE. THE SAFETY POLICY MUST INCLUDE THE FOLLOWING:

(a) A DESCRIPTION OF PROHIBITED CONTENT AND CONDUCT USED BY THE ONLINE DATING SERVICE, WHICH MUST INCLUDE MISCONDUCT THAT THREATENS PUBLIC OR PERSONAL SAFETY.

(b) A STATEMENT OF WHETHER AND UNDER WHAT CIRCUMSTANCES THE ONLINE DATING SERVICE CONDUCTS A CRIMINAL BACKGROUND SCREENING OF MEMBERS AND WHETHER THE ONLINE DATING SERVICE EXCLUDES AS A MEMBER A PERSON WHO IS FOUND TO HAVE A CRIMINAL CONVICTION AND, IF SO, WHICH TYPES OF CRIMINAL CONVICTIONS RESULT IN EXCLUSION;

(c) A DESCRIPTION OF WHETHER AND WHEN THE ONLINE DATING SERVICE VERIFIES A MEMBER'S IDENTITY OR THAT THE MEMBER IS AT LEAST EIGHTEEN YEARS OF AGE;

(d) A DESCRIPTION OF WHETHER AND WHEN THE ONLINE DATING SERVICE SUSPENDS A MEMBER'S PROFILE FROM THE SERVICE AS A RESULT OF REPORTS OF PROHIBITED CONTENT AND CONDUCT COMMITTED BY THE MEMBER RECEIVED BY THE ONLINE DATING SERVICE AND THE CIRCUMSTANCES UNDER WHICH THE ONLINE DATING SERVICE BARS A MEMBER FROM THE ONLINE DATING SERVICE AS A RESULT OF RECEIVED REPORTS;

(e) A DESCRIPTION OF WHETHER THE ONLINE DATING SERVICE PERMITS A MEMBER WHO WAS SUSPENDED OR BARRED AS A RESULT OF REPORTS OF PROHIBITED CONTENT AND CONDUCT COMMITTED BY THE MEMBER TO APPEAL THE ADVERSE ACTION AND, IF THE ONLINE DATING SERVICE PERMITS AN APPEAL, THE APPEAL PROCESS;

(f) A DESCRIPTION OF WHETHER AND WHEN THE ONLINE DATING

SERVICE, AFTER RECEIVING A REPORT OF PROHIBITED CONTENT AND CONDUCT COMMITTED BY A MEMBER, PROVIDES ACTUAL NOTICE THAT IT RECEIVED THE REPORT TO OTHER MEMBERS WHO HAVE HAD CONTACT WITH THE MEMBER WHO WAS THE SUBJECT OF THE REPORT AND, IF SO, THE TYPES OF CONTENT AND CONDUCT THAT RESULT IN PROVIDING A NOTICE AND THE PROCESS FOR PROVIDING THE NOTICE;

(g) CLEAR GUIDELINES FOR REPORTING TO THE ONLINE DATING SERVICE PROHIBITED CONTENT AND CONDUCT COMMITTED BY A MEMBER AGAINST ANOTHER MEMBER. THE GUIDELINES MUST WARN MEMBERS NOT TO SUBMIT FALSE REPORTS OR REPORT FOR MALICIOUS, BIASED, OR OTHER ILLEGITIMATE REASONS.

(h) A NOTICE THAT ENGAGING IN SEXUAL CONDUCT WITH ANOTHER PERSON WITHOUT THE OTHER PERSON'S CONSENT VIOLATES THE SAFETY POLICY, IS AGAINST THE LAW, AND MAY RESULT IN CRIMINAL OR CIVIL LIABILITY;

(i) INFORMATION ABOUT RESOURCES AVAILABLE FOR MEMBERS IN COLORADO WHO EXPERIENCE SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND OTHER CRIMES; AND

(j) A LIST OF SAFETY MEASURES TAKEN BY THE PLATFORM THAT ARE REASONABLY DESIGNED TO PROMOTE SAFER ONLINE AND IN-PERSON DATING EXPERIENCES FOR MEMBERS.

(3) AN ONLINE DATING SERVICE SHALL POST A CLEAR AND CONSPICUOUS LINK TO THE SERVICE'S SAFETY POLICY ON THE MAIN PAGE OF ITS WEBSITE AND ON THE SETTINGS, OR A SIMILAR SCREEN, OF ITS MOBILE APPLICATION, IF APPLICABLE, AND INCLUDE A LINK TO THE SAFETY POLICY IN A DATING SERVICE CONTRACT DESCRIBED IN SECTION 6-1-731. THE TEXT OF EACH LINK MUST EXPLICITLY INFORM A COLORADO MEMBER THAT THE LINK NAVIGATES THE MEMBER TO THE ONLINE DATING SERVICE'S SAFETY POLICY.

(4) (a) AN ONLINE DATING SERVICE SHALL SUBMIT THE URL FOR ITS SAFETY POLICY POSTED ON ITS WEBSITE TO THE ATTORNEY GENERAL'S OFFICE WITHIN FIFTEEN DAYS AFTER ENACTING THE SAFETY POLICY. IF AN ONLINE DATING SERVICE UPDATES THE URL FOR ITS SAFETY POLICY, IT SHALL SUBMIT THE UPDATED URL TO THE ATTORNEY GENERAL'S OFFICE

WITHIN SEVEN DAYS AFTER UPDATING THE URL.

(b) ON OR BEFORE JANUARY 31, 2026, AND ON OR BEFORE JANUARY 31 OF EACH YEAR THEREAFTER, AN ONLINE DATING SERVICE SHALL SUBMIT AN ANNUAL REPORT TO THE ATTORNEY GENERAL'S OFFICE CONCERNING MEMBER SAFETY AND THE ONLINE DATING SERVICE'S COMPLIANCE WITH THIS SECTION. THE REPORT MUST INCLUDE THE INFORMATION REQUIRED BY THE RULES PROMULGATED PURSUANT TO THIS SECTION.

(c) THE REPORT REQUIRED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION IS ONLY REQUIRED TO INCLUDE INFORMATION ABOUT A MEMBER LOCATED IN, OR REPORTS MADE BY A MEMBER LOCATED IN, COLORADO, IF THAT INFORMATION IS AVAILABLE. IF THAT INFORMATION IS NOT AVAILABLE, THE REPORT MUST INCLUDE INFORMATION FROM THE ENTIRE UNITED STATES.

(4.5) THE ATTORNEY GENERAL SHALL PROMULGATE RULES TO CARRY OUT THIS SECTION. THE RULES MAY INCLUDE THE PROCESS FOR AN ONLINE DATING SERVICE TO SUBMIT TO THE ATTORNEY GENERAL'S OFFICE THE URL FOR ITS SAFETY POLICY.

(5) THE ATTORNEY GENERAL'S OFFICE SHALL POST ON A PUBLIC PAGE OF ITS WEBSITE A LINK TO EACH SAFETY POLICY AND EACH ANNUAL REPORT FILED WITH THE OFFICE PURSUANT TO SUBSECTION (4) OF THIS SECTION BY EACH ONLINE DATING SERVICE.

(6) PRIOR TO COMMENCING AN ENFORCEMENT ACTION PURSUANT TO THIS ARTICLE 1 AGAINST AN ONLINE DATING SERVICE THAT REGISTERS ITS FIRST MEMBER IN THIS STATE AFTER THE EFFECTIVE DATE OF THIS SECTION FOR THE SERVICE'S FIRST VIOLATION OF THIS SECTION, THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY MUST ISSUE A NOTICE OF VIOLATION TO THE ONLINE DATING SERVICE IF THE ATTORNEY GENERAL OR DISTRICT ATTORNEY DETERMINES THAT IT IS POSSIBLE FOR THE ONLINE DATING SERVICE TO CURE THE VIOLATION. IF THE ONLINE DATING SERVICE FAILS TO CURE THE VIOLATION WITHIN THIRTY DAYS OF RECEIVING THE NOTICE OF VIOLATION, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY BRING AN ENFORCEMENT ACTION PURSUANT TO THIS ARTICLE 1.

(7) (a) NOTHING IN THIS SECTION ALTERS THE SCOPE OF THE FEDERAL "COMMUNICATIONS DECENCY ACT OF 1996", 47 U.S.C. SEC. 230.

(b) NOTHING IN THIS SECTION LIMITS ANY RIGHTS OR REMEDIES OF AN INJURED PARTY THAT ARE AVAILABLE UNDER COLORADO LAW NOR REMOVES ANY REMEDIES AVAILABLE TO AN INJURED PERSON PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

(c) AN ONLINE DATING SERVICE IS NOT LIABLE TO A BARRED OR SUSPENDED MEMBER FOR TAKING, IN GOOD FAITH, REMEDIAL ACTION IN ACCORDANCE WITH ITS MEMBERSHIP AGREEMENT AGAINST A MEMBER FOR VIOLATING THE SERVICE'S SAFETY POLICY.

SECTION 3. In Colorado Revised Statutes, 6-1-105, **amend** (1)(cccc); and **add** (1)(gggg) as follows:

6-1-105. Unfair or deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(cccc) Sells or offers for sale a product that is age-restricted to a person who does not meet the age restriction; ~~or~~

(gggg) VIOLATES SECTION 6-1-731.5.

SECTION 4. In Colorado Revised Statutes, **add** part 13 to article 20 of title 13 as follows:

PART 13 MISCELLANEOUS ACTIONS

13-20-1301. Actions for tracking a person without consent - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACTOR" MEANS A PERSON WHO TRACKS ANOTHER PERSON THROUGH THE USE OF A TRACKING APPLICATION OR TRACKING DEVICE.

(b) "TRACKING APPLICATION" MEANS ANY SOFTWARE PROGRAM THAT PERMITS AN ACTOR TO REMOTELY DETERMINE OR TRACK THE POSITION OR MOVEMENT OF ANOTHER PERSON OR ANOTHER PERSON'S PROPERTY.

(c) "TRACKING DEVICE" MEANS AN ELECTRONIC OR MECHANICAL

DEVICE THAT PERMITS AN ACTOR TO REMOTELY DETERMINE OR TRACK THE POSITION OR MOVEMENT OF ANOTHER PERSON OR ANOTHER PERSON'S PERSONAL PROPERTY.

(2) (a) A PERSON WHO WAS TRACKED BY MEANS OF A TRACKING DEVICE OR TRACKING APPLICATION MAY BRING A CLAIM FOR DAMAGES, INCLUDING NONECONOMIC LOSS OR INJURY, AGAINST THE ACTOR WHO INSTALLED A TRACKING DEVICE ON THE PERSON'S PERSONAL PROPERTY WITHOUT THE PERSON'S CONSENT OR WHO CAUSED A TRACKING DEVICE OR TRACKING APPLICATION TO TRACK THE POSITION OR MOVEMENT OF THE PERSON OR PERSON'S PERSONAL PROPERTY WITHOUT THE PERSON'S CONSENT. AN ACTOR IS LIABLE TO THE EXTENT THE ACTOR'S CONDUCT WAS THE PROXIMATE CAUSE OF THE HARM CAUSED BY THE TRACKING DEVICE OR TRACKING APPLICATION.

(b) A PERSON WHO HAS GIVEN CONSENT FOR AN ACTOR TO INSTALL A TRACKING DEVICE OR TRACKING APPLICATION ON THE CONSENTING PERSON'S PERSONAL PROPERTY MAY REVOKE THE CONSENT AT ANY TIME AND MAY BRING A CLAIM PURSUANT TO THIS SECTION FOR TRACKING THAT OCCURRED AFTER THE PERSON REVOKED CONSENT.

(3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, A PERSON SHALL NOT BRING A CLAIM AGAINST A LAW ENFORCEMENT AGENCY OR PEACE OFFICER FOR ACTIONS TAKEN AS PART OF A CRIMINAL INVESTIGATION; A PEACE OFFICER ACTING WITHIN THE SCOPE OF THE PEACE OFFICER'S OFFICIAL DUTIES; A PUBLIC HIGHWAY AUTHORITY, CREATED PURSUANT TO PART 5 OF ARTICLE 4 OF TITLE 43, ACTING WITHIN THE SCOPE OF ITS AUTHORITY TO COLLECT TOLLS; THE HIGH PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN SECTION 43-4-806 ACTING WITHIN THE SCOPE OF ITS AUTHORITY TO COLLECT TOLLS AND ENFORCE TOLL AND SAFETY VIOLATIONS; OR A PARENT OR LEGAL GUARDIAN OF A MINOR CHILD FOR TRACKING THE MINOR CHILD.

SECTION 5. In Colorado Revised Statutes, 18-7-107, **amend** (1)(a) introductory portion; and **add** (2.5) as follows:

18-7-107. Posting a private image for harassment - definitions.

(1) (a) An actor who is eighteen years of age or older commits the offense of posting a private image for harassment if ~~he or she~~ THE ACTOR posts or distributes through the use of social media or any website any photograph,

video, or other image displaying the REAL OR SIMULATED private intimate parts of an identified or identifiable person eighteen years of age or older or an image displaying sexual acts of an identified or identifiable person:

(2.5) IT IS NOT A DEFENSE TO AN ALLEGED VIOLATION OF THIS SECTION THAT THE IMAGE IS PARTIALLY DIGITALLY CREATED OR ALTERED OR THAT THE PRIVATE INTIMATE PARTS WERE DIGITALLY CREATED OR ALTERED.

SECTION 6. In Colorado Revised Statutes, 18-7-108, **amend** (1)(a) introductory portion; and **add** (2.5) as follows:

18-7-108. Posting a private image for pecuniary gain - definitions. (1) (a) An actor who is eighteen years of age or older commits the offense of posting a private image for pecuniary gain if ~~he or she~~ THE ACTOR posts or distributes through social media or any website any photograph, video, or other image displaying the REAL OR SIMULATED private intimate parts of an identified or identifiable person eighteen years of age or older or an image displaying sexual acts of an identified or identifiable person:

(2.5) IT IS NOT A DEFENSE TO AN ALLEGED VIOLATION OF THIS SECTION THAT THE IMAGE IS PARTIALLY DIGITALLY CREATED OR ALTERED OR THAT THE PRIVATE INTIMATE PARTS WERE DIGITALLY CREATED OR ALTERED.

SECTION 7. In Colorado Revised Statutes, 18-7-109, **amend** (8) introductory portion and (8)(b) as follows:

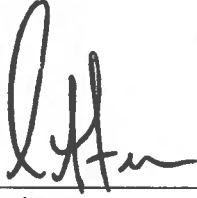
18-7-109. Posting, possession, or exchange of a private image by a juvenile - definitions - penalties. (8) As used in this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(b) "Sexually explicit image" means any electronic or digital photograph, video, or video depiction of the REAL OR SIMULATED external genitalia or perineum or anus or buttocks or pubes of any person or the REAL OR SIMULATED breast of a female person.

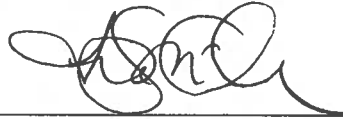
SECTION 8. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to

section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

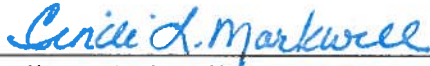
(2) This act applies to offenses committed and claims filed on or after the applicable effective date of this act.



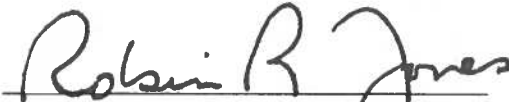
Steve Fenberg
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

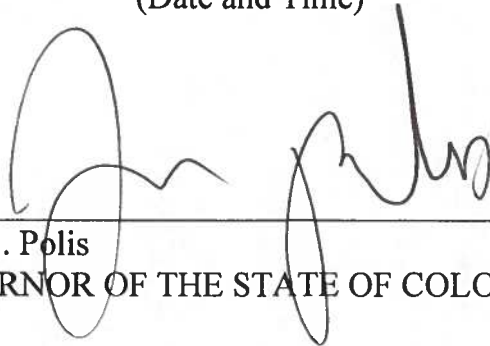


Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Wednesday June 5th 2024 at 2:00 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO