

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0713.01 Michael Dohr x4347

HOUSE BILL 19-1030

HOUSE SPONSORSHIP

Soper, Rankin

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATING THE CRIME OF UNLAWFUL ELECTRONIC**
102 **SEXUAL COMMUNICATION.**

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>.)

The bill creates the crime of unlawful electronic sexual communication. The bill prohibits a person who is in a position of trust with respect to a child from communicating with that child through electronic means and describing explicit sexual conduct in the communication.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-3-418 as
3 follows:

4 **18-3-418. Unlawful electronic sexual communication - person**
5 **in a position of trust - definition.** (1) A PERSON COMMITS UNLAWFUL
6 ELECTRONIC SEXUAL COMMUNICATION IF THE PERSON KNOWINGLY
7 COMMUNICATES OVER A COMPUTER OR COMPUTER NETWORK, TELEPHONE
8 NETWORK, OR DATA NETWORK OR BY A TEXT MESSAGE OR INSTANT
9 MESSAGE TO A CHILD AND, IN THAT COMMUNICATION OR IN ANY
10 SUBSEQUENT COMMUNICATION OVER A COMPUTER, COMPUTER NETWORK,
11 TELEPHONE NETWORK, OR DATA NETWORK OR BY TEXT MESSAGE OR
12 INSTANT MESSAGE DESCRIBES EXPLICIT SEXUAL CONDUCT AS DEFINED IN
13 SECTION 18-6-403 (2)(e), AND THE PERSON IS IN A POSITION OF TRUST
14 WITH RESPECT TO THE CHILD.

15 (2) UNLAWFUL ELECTRONIC SEXUAL COMMUNICATION IS A CLASS
16 6 FELONY.

17 (3) FOR PURPOSES OF THIS SECTION, "CHILD" MEANS A PERSON
18 UNDER EIGHTEEN YEARS OF AGE.

19 **SECTION 2. Potential appropriation.** Pursuant to section
20 2-2-703, C.R.S., any bill that results in a net increase in periods of
21 imprisonment in state correctional facilities must include an appropriation
22 of money that is sufficient to cover any increased capital construction, any
23 operational costs, and increased parole costs that are the result of the bill
24 for the department of corrections in each of the first five years following
25 the effective date of the bill. Because this act may increase periods of
26 imprisonment, this act may require a five-year appropriation.

1 **SECTION 3. Effective date - applicability.** This act takes effect
2 July 1, 2019, and applies to offenses committed on or after said date.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.