

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0636.01 Anna Petrini x5497

HOUSE BILL 25-1073

HOUSE SPONSORSHIP

Bradley and English,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CRIMINAL SENTENCING FOR PERSONS WHO COMMIT
102 CERTAIN TYPES OF SEXUAL ASSAULT ON A CHILD, AND, IN
103 CONNECTION THEREWITH, REQUIRING A MANDATORY MINIMUM
104 PERIOD OF INCARCERATION FOR A CLASS 4 AND A CLASS 3
105 FELONY.

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>.)

Under current law, sexual assault on a child is a class 4 felony if the victim is under 15 years of age, the actor is at least 4 years older than

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

the victim, and specified aggravating circumstances do not apply. Sexual assault on a child by one in a position of trust is a class 4 felony if the actor is in a position of trust with respect to the victim, the victim is 15 years of age or older but under 18 years of age, and the offense is not committed as part of a pattern of sexual abuse. If the offense is committed as part of a pattern of sexual abuse or the victim is less than 15 years of age, sexual assault on a child by one in a position of trust is a class 3 felony.

The presumptive range of penalties for a class 4 felony under current law is 2 to 6 years of imprisonment. The presumptive range of penalties for a class 3 felony under current law is 4 to 12 years of imprisonment. Under current law, a court shall sentence a sex offender to an indeterminate term in the custody of the department of corrections that can range from the applicable presumptive range minimum to a maximum of the sex offender's natural life. However, current law permits the court to sentence a sex offender to probation for an indeterminate period that can range from 10 years for a class 4 felony and 20 years for a class 3 felony to a maximum of the sex offender's natural life.

The bill requires a court to sentence an offender convicted of a class 4 felony sexual assault on a child or sexual assault on a child by one in a position of trust to an indeterminate term of incarceration that can range from the presumptive range minimum of 2 years to a maximum of the offender's natural life. The bill requires a court to sentence an offender convicted of a class 3 felony sexual assault on a child by one in a position of trust when the child is less than 15 years of age to an indeterminate term of incarceration that can range from the presumptive range minimum of 4 years to a maximum of the offender's natural life. The bill prohibits a court from sentencing these types of offenders to probation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-405, **add** (3.5)

3 as follows:

4 **18-3-405. Sexual assault on a child.** (3.5) IF A PERSON IS
5 CONVICTED OF A CLASS 4 FELONY OF SEXUAL ASSAULT ON A CHILD
6 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COURT SHALL
7 SENTENCE THE PERSON TO THE DEPARTMENT OF CORRECTIONS FOR AN
8 INDETERMINATE TERM OF INCARCERATION OF AT LEAST THE MINIMUM OF

1 THE PRESUMPTIVE RANGE FOR A CLASS 4 FELONY, AS SET FORTH IN
2 SECTION 18-1.3-401, AND UP TO A MAXIMUM OF THE PERSON'S NATURAL
3 LIFE, AS SET FORTH IN SECTION 18-1.3-1004 (1)(a).

4 **SECTION 2.** In Colorado Revised Statutes, 18-3-405.3, **add** (4.5)
5 as follows:

6 **18-3-405.3. Sexual assault on a child by one in a position of**
7 **trust.** (4.5) (a) IF A PERSON IS CONVICTED OF A CLASS 4 FELONY OF
8 SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST PURSUANT
9 TO SUBSECTIONS (1) AND (3) OF THIS SECTION, THE COURT SHALL
10 SENTENCE THE PERSON TO THE DEPARTMENT OF CORRECTIONS FOR AN
11 INDETERMINATE TERM OF INCARCERATION OF AT LEAST THE MINIMUM OF
12 THE PRESUMPTIVE RANGE FOR A CLASS 4 FELONY, AS SET FORTH IN
13 SECTION 18-1.3-401, AND UP TO A MAXIMUM OF THE PERSON'S NATURAL
14 LIFE, AS SET FORTH IN SECTION 18-1.3-1004 (1)(a).

15 (b) IF A PERSON IS CONVICTED OF A CLASS 3 FELONY OF SEXUAL
16 ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST PURSUANT TO
17 SUBSECTION (2)(a) OF THIS SECTION, THE COURT SHALL SENTENCE THE
18 PERSON TO THE DEPARTMENT OF CORRECTIONS FOR AN INDETERMINATE
19 TERM OF INCARCERATION OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE
20 RANGE FOR A CLASS 3 FELONY, AS SET FORTH IN SECTION 18-1.3-401, AND
21 UP TO A MAXIMUM OF THE PERSON'S NATURAL LIFE, AS SET FORTH IN
22 SECTION 18-1.3-1004 (1)(a).

23 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-1004, **amend**
24 (2)(a) as follows:

25 **18-1.3-1004. Indeterminate sentence.** (2) (a) The district court
26 having jurisdiction, based on consideration of the evaluation conducted
27 pursuant to section 16-11.7-104, ~~C.R.S.~~, and the factors specified in

1 section 18-1.3-203, may sentence a sex offender to probation for an
2 indeterminate period of at least ten years for a class 4 felony or twenty
3 years for a class 2 or 3 felony and a maximum of the sex offender's
4 natural life; except that, if the sex offender committed a sex offense that
5 constitutes a crime of violence, as defined in section 18-1.3-406, or
6 committed a sex offense that makes ~~him or her~~ THE SEX OFFENDER
7 eligible for sentencing as a habitual sex offender against children
8 pursuant to section 18-3-412, or COMMITTED a sex offense requiring
9 sentencing pursuant to ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(e)
10 of this section, OR COMMITTED SEXUAL ASSAULT ON A CHILD THAT IS A
11 CLASS 4 FELONY PURSUANT TO SECTION 18-3-405, OR COMMITTED SEXUAL
12 ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST THAT IS A CLASS 4
13 FELONY PURSUANT TO SECTION 18-3-405.3, OR COMMITTED A SEXUAL
14 ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST THAT IS A CLASS 3
15 FELONY PURSUANT TO SECTION 18-3-405.3 (2)(a), the court shall sentence
16 the sex offender to the department of corrections as provided in
17 subsection (1) of this section. For any sex offender sentenced to probation
18 pursuant to this subsection (2), the court shall order that the sex offender,
19 as a condition of probation, participate in an intensive supervision
20 probation program established pursuant to section 18-1.3-1007, until
21 further order of the court.

22 **SECTION 4. Applicability.** This act applies to offenses
23 committed on or after the effective date of this act.

24 **SECTION 5. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2026 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.