

*Be it enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 18-1.3-1004, **amend** (2) as follows:

**18-1.3-1004. Indeterminate sentence.**

(2)(a) The district court having jurisdiction, based on consideration of the evaluation conducted pursuant to section 16-11.7-104, ~~C.R.S.~~, and the factors specified in section 18-1.3-203, may sentence a sex offender to probation for an indeterminate period of at least ten years for a class 4 felony or twenty years for a class 2 or 3 felony and a maximum of the sex offender’s natural life; except that, if the sex offender committed ANY OF THE FOLLOWING, THE COURT SHALL SENTENCE THE SEX OFFENDER TO THE DEPARTMENT OF CORRECTIONS AS PROVIDED IN SUBSECTION (1) OF THIS SECTION:

- (I) ~~a~~ A sex offense that constitutes a crime of violence, as defined in section 18-1.3-406;;
- (II) ~~or committed a~~ A sex offense that makes him or her eligible for sentencing as a habitual sex offender against children pursuant to section 18-3-412;;
- (III) ~~or a~~ A sex offense requiring sentencing pursuant to paragraph (e) of subsection (1) of this section;;
- (IV) SEXUAL ASSAULT ON A CHILD THAT IS A CLASS 4 FELONY PURSUANT TO SECTION 18-3-405;
- (V) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST THAT IS A CLASS 4 FELONY PURSUANT TO SECTION 18-3-405.3;
- (VI) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST THAT IS A CLASS 3 FELONY PURSUANT TO 18-3-405.3;
- (VII) ENTICEMENT OF A CHILD PURSUANT TO SECTION 18-3-305;
- (VIII) SEXUAL EXPLOITATION OF A CHILD THAT IS A CLASS 3 FELONY PURSUANT TO SECTION 18-6-403(5)(a);
- (IX) HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE PURSUANT TO SECTION 18-3-503; OR
- (X) INTERNET LURING OF A CHILD WITH THE INTENT TO MEET FOR THE PURPOSE OF ENGAGING IN COMMERCIAL SEXUAL ACTIVITY PURSUANT TO SECTION 18-3-306(3)(b).
- (XI) SEXUAL EXPLOITATION OF A CHILD PURSUANT TO SECTION 18-6-403(3) OR (5)(a).

~~the court shall sentence the sex offender to the department of corrections as provided in subsection (1) of this section.~~

(b) The court, as a condition of probation, may sentence a sex offender to a residential community corrections program pursuant to section 18-1.3-301 for a minimum period specified by the court. Following completion of the minimum period, the sex offender may be released to intensive supervision probation as provided in section 18-1.3-1008 (1.5).

(c) For any sex offender sentenced to probation pursuant to this subsection (2), the court shall order that the sex offender, as a condition of probation, participate in an intensive supervision probation program established pursuant to section 18-1.3-1007, until further order of the court.

**SECTION 2.** In Colorado Revised Statutes, 18-3-305, **amend** (2) as follows:

**18-3-305. Enticement of a child.**

(2) Enticement of a child is a class 4 felony. It is a class 3 felony if the defendant has a previous conviction for enticement of a child or sexual assault on a child or for conspiracy to commit or the attempted commission of either offense, or if the enticement of a child results in bodily injury to that child. THE COURT SHALL SENTENCE A PERSON CONVICTED OF CLASS 3 FELONY ENTICEMENT 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, SET FORTH IN SECTION 18-1.3-401.

**SECTION 3.** 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:

(a) ~~that~~ INTERNET luring of a child is a ~~class 4~~ CLASS 3 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~~ OR IF COMMITTED WITH THE INTENT TO MEET FOR THE PURPOSE OF ENGAGING IN COMMERCIAL SEXUAL ACTIVITY AS DEFINED IN SECTION 18-3-502(3). THE COURT SHALL SENTENCE A PERSON CONVICTED OF INTERNET LURING OF A CHILD FOR THE PURPOSE OF ENGAGING IN COMMERCIAL SEXUAL ACTIVITY TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, SET FORTH IN SECTION 18-1.3-401.

**SECTION 4.** In Colorado Revised Statutes, 18-3-405, **add** (3.5) as follows:

**18-3-405. Sexual assault on a child.**

(3.5) IF A PERSON IS CONVICTED OF A CLASS 4 FELONY OF SEXUAL ASSAULT ON A CHILD PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COURT SHALL SENTENCE THE PERSON TO THE DEPARTMENT OF CORRECTIONS FOR AN INDETERMINATE TERM OF INCARCERATION OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 4 FELONY, SET FORTH IN SECTION 18-1.3-401, AND UP TO A MAXIMUM OF THE PERSON'S NATURAL LIFE, SET FORTH IN SECTION 18-1.3-1004 (1)(a).

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

**18-3-405.3. Sexual assault on a child by one in a position of trust.**

(4) If a defendant is convicted of the class 3 felony of sexual assault on a child pursuant to ~~paragraph (b) of subsection (2) of this section,~~ the court shall sentence the defendant in accordance with the provisions of section 18-1.3-406.

(4.5)(a) IF A PERSON IS CONVICTED OF A CLASS 4 FELONY OF SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST PURSUANT TO SUBSECTIONS (1) AND (3) OF THIS SECTION, THE COURT SHALL SENTENCE THE DEFENDANT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 18-1.3-406.

**SECTION 6.** In Colorado Revised Statutes, 18-3-503, **amend** (2) as follows:

**18-3-503. Human trafficking for involuntary servitude - human trafficking of a minor for involuntary servitude.**

(2) Human trafficking for involuntary servitude is a class 3 felony; except that human trafficking of a minor for involuntary servitude is a class 2 felony. UPON CONVICTION OF A CLASS 2 FELONY VIOLATION OF THIS SECTION, THE COURT SHALL SENTENCE THE PERSON in accordance with the provisions of section 18-1.3-406.

**SECTION 7.** In Colorado Revised Statutes, 18-6-403, **amend** (5)(a) as follows:

**18-6-403. Sexual exploitation of a child - legislative declaration - definitions.**

(5)(a) Except as provided in paragraph (b) of this subsection (5), sexual exploitation of a child is a class 3 felony. IF A PERSON IS CONVICTED OF A CLASS 3 FELONY SEXUAL EXPLOITATION OF A CHILD, THE COURT SHALL SENTENCE THE PERSON TO THE DEPARTMENT OF CORRECTIONS FOR AN

INDETERMINATE TERM OF INCARCERATION OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, SET FORTH IN SECTION 18-1.3-401, AND UP TO A MAXIMUM OF THE PERSON'S NATURAL LIFE, SET FORTH IN SECTION 18-1.3-1004 (1)(a).

**SECTION 8.** In Colorado Revised Statutes, 18-7-401, **amend** (5); **add** (2.5) and (8); and **repeal** (6) and (7) as follows:

**18-7-401. Definitions.**

(2.5) "COMMERCIAL SEXUAL ACTIVITY" MEANS SEXUAL ACTIVITY WITH ANY PERSON OTHER THAN ONE'S SPOUSE FOR WHICH ANYTHING OF VALUE IS GIVEN TO, PROMISED TO, OR RECEIVED BY A PERSON. "COMMERCIAL SEXUAL ACTIVITY" ALSO INCLUDES INDUCING A PERSON TO PERFORM OR OFFER TO PERFORM ANY SEXUAL ACTIVITY BY COERCION OR BY ANY THREAT OR INTIMIDATION OR INDUCING A PERSON, BY COERCION OR BY ANY THREAT OR INTIMIDATION OR IN EXCHANGE FOR MONEY OR OTHER THING OF VALUE, TO ALLOW ANY PERSON OTHER THAN ONE'S SPOUSE TO PERFORM OR OFFER OR AGREE TO PERFORM ANY ACT OF SEXUAL INTERCOURSE, FELLATIO, CUNNILINGUS, MASTURBATION, OR ANAL INTERCOURSE WITH OR UPON SUCH PERSON. SUCH COERCION, THREAT, OR INTIMIDATION NEED NOT CONSTITUTE AN INDEPENDENT CRIMINAL OFFENSE AND SHALL BE DETERMINED SOLELY THROUGH ITS INTENDED OR ITS ACTUAL EFFECT UPON THE PERSON.

(5) "Masturbation" means stimulation of the genital organs OR ANUS by manual or other bodily contact, or by any object, exclusive of sexual intercourse OR ANAL INTERCOURSE.

~~(6) "Prostitution by a child" means either a child performing or offering or agreeing to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not the child's spouse in exchange for money or other thing of value or any person performing or offering or agreeing to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any child not the person's spouse in exchange for money or other thing of value.~~

~~(7) "Prostitution of a child" means either inducing a child to perform or offer or agree to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not the child's spouse by coercion or by any threat or intimidation or inducing a child, by coercion or by any threat or intimidation or in exchange for money or other thing of value, to allow any person not the child's spouse to perform or offer or agree to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with or upon such child. Such coercion, threat, or intimidation need not constitute an independent criminal offense and shall be determined solely through its intended or its actual effect upon the child.~~

(8)(a) "SEXUAL ACTIVITY" MEANS:

(I) ANY ACT OF SEXUAL INTERCOURSE, FELLATIO, CUNNILINGUS, MASTURBATION, OR ANAL INTERCOURSE AS DEFINED IN THIS SECTION WITH ANY PERSON OTHER THAN ONE'S SPOUSE;

(II) SADOMASOCHISTIC ABUSE, SEXUAL CONDUCT, SEXUAL EXCITEMENT, OR SEXUALLY EXPLICIT NUDITY AS DEFINED BY SECTION 18-7-501; AND

(III) SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL PENETRATION AS DEFINED BY SECTION 18-3-401.

**SECTION 9.** In Colorado Revised Statutes, **amend** 18-7-402 as follows:

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

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

(a) Solicits ~~another~~ A CHILD for ~~the purpose of prostitution of a child or by a child~~ COMMERCIAL SEXUAL ACTIVITY;

(b) SOLICITS ANOTHER PERSON FOR 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

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

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

**SECTION 10.** In Colorado Revised Statutes, 18-7-403, **amend** (1)(a), (1)(b), and (2) as follows:

**18-7-403. Pandering of a child.**

(1) Any 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) Pandering ~~under paragraph (a) of subsection (1)~~ PURSUANT TO SUBSECTION (1)(a) of this section is a class 2 felony. Pandering ~~under paragraph (b) of subsection (1)~~ PURSUANT TO SUBSECTION (1)(b) of this section is a class 3 felony. THE COURT SHALL SENTENCE A PERSON CONVICTED PURSUANT TO 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, SET FORTH IN SECTION 18-1.3-401. THE COURT SHALL SENTENCE A PERSON CONVICTED PURSUANT TO 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, SET FORTH IN SECTION 18-1.3-401.

**SECTION 11.** In Colorado Revised Statutes, **amend** 18-7-403.5 as follows:

**18-7-403.5. Procurement of a child.**

Any 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~~ COMMERCIAL SEXUAL ACTIVITY BY the child commits procurement of a child, which is a class 3 felony.

**SECTION 12.** 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 person who has or exercises control over the use of any place which offers seclusion or

shelter for ~~the practice of prostitution~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD ~~and who performs any one or more of the following~~ commits keeping a place of ~~child prostitution~~ FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD if ~~he~~ THE PERSON PERFORMS ANY ONE OR MORE OF THE FOLLOWING:

- (a) Knowingly grants or permits the use of such place for the purpose of ~~prostitution of~~ COMMERCIAL SEXUAL ACTIVITY WITH a child or by a child; or
  - (b) Permits the continued use of such place for ~~the purpose of prostitution of~~ COMMERCIAL SEXUAL ACTIVITY WITH a child ~~or by a child~~ after becoming aware of facts or circumstances from which he 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~~ FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD is a class 3 felony. THE COURT SHALL SENTENCE A PERSON CONVICTED PURSUANT TO THIS SECTION TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, SET FORTH IN SECTION 18-1.3-401.

**SECTION 13.** In Colorado Revised Statutes, **amend** 18-7-405 as follows:

**18-7-405. Pimping of a child.**

Any 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. THE COURT SHALL SENTENCE A PERSON CONVICTED PURSUANT TO THIS SECTION TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, SET FORTH IN SECTION 18-1.3-401.

**SECTION 14.** 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 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 COMMERCIAL SEXUAL ACTIVITY WITH A child ~~prostitution~~.
- (2) Inducement of COMMERCIAL SEXUAL ACTIVITY WITH A child ~~prostitution~~ is a class 3 felony. THE COURT SHALL SENTENCE A PERSON CONVICTED PURSUANT TO THIS SECTION TO THE DEPARTMENT OF CORRECTIONS FOR A TERM OF AT LEAST THE MINIMUM OF THE PRESUMPTIVE RANGE FOR A CLASS 3 FELONY, SET FORTH IN SECTION 18-1.3-401.

**SECTION 15.** In Colorado Revised Statutes, **amend** 18-7-406 as follows:

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

- (1) Any person who performs any of the following with a child not his spouse commits ~~patronizing a prostituted~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A child:
  - (a) Engages in ~~an act which is prostitution of a child or by~~ COMMERCIAL SEXUAL ACTIVITY WITH a child, ~~as defined in section 18-7-401 (6) or (7)~~; 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~~ COMMERCIAL SEXUAL ACTIVITY WITH a child ~~or by a child, as defined in section 18-7-401 (6) or (7)~~.

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

**SECTION 16.** In Colorado Revised Statutes, 18-1.3-406, **add** (2)(d) as follows:

**18-1.3-406. Mandatory sentences for violent crimes - definitions.**

(2)(d) “CRIME OF VIOLENCE” ALSO MEANS ANY OF THE FOLLOWING OFFENSES, NOTWITHSTANDING THE PROVISIONS OF SECTIONS (2)(a)(I) OR (2)(b)(I) OF THIS SECTION:

(I) SEXUAL ASSAULT ON A CHILD PURSUANT TO SECTION 18-3-405;

(II) SEXUAL ASSAULT ON A CHILD BY SOMEONE IN A POSITION OF TRUST PURSUANT TO SECTION 18-3-405.3;

(III) KEEPING A PLACE FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD PURSUANT TO SECTION 18-7-404;

(IV) ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD PURSUANT TO SECTION 18-7-406; AND

(V) PIMPING A CHILD PURSUANT TO SECTION 18-7-405.

**SECTION 17.** In Colorado Revised Statutes, 18-17-103, **amend** (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~~)(SOLICITING A CHILD FOR COMMERCIAL SEXUAL ACTIVITY), 18-7-403 (pandering of a child), 18-7-404 (~~keeping a place of child prostitution~~)(KEEPING A PLACE FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD), and 18-7-405 (pimping of a child);

**SECTION 18.** In Colorado Revised Statutes, 14-10-129, **amend** (3)(b)(XIV), (XVII), (XIX), and (XX) as follows:

**14-10-129. Modification of parenting time.**

(3)(b) The provisions of paragraph (a) of this subsection (3) shall apply to the following crimes:

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

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

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

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

**SECTION 19.** In Colorado Revised Statutes, 16-11.7-102, **amend** (3)(n), (q), (s), and (t) as follows:

**16-11.7-102. Definitions.**

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

(3) “Sex offense” means any felony or misdemeanor offense described in this subsection (3) as follows:

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

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

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

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

**SECTION 20.** In Colorado Revised Statutes, 16-22-108, **amend** (2.5)(c) as follows:

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

(c) For purposes of this section, “child sex crime” means sexual assault on a child, as described in section 18-3-405, ~~C.R.S.~~; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3, ~~C.R.S.~~; unlawful sexual contact, as described in section 18-3-404 (1.5), ~~C.R.S.~~; enticement of a child, as described in section 18-3-305, ~~C.R.S.~~; aggravated incest, as described in section 18-6-302 (1)(b), ~~C.R.S.~~; human trafficking of a minor for sexual servitude, as described in section 18-3-504 (2), ~~C.R.S.~~; sexual exploitation of children, as described in section 18-6-403, ~~C.R.S.~~; procurement of a child for sexual exploitation, as described in section 18-6-404, ~~C.R.S.~~; ~~soliciting for child prostitution~~ SOLICITING A CHILD FOR COMMERCIAL SEXUAL ACTIVITY, as described in section 18-7-402, ~~C.R.S.~~; pandering of a child, as described in section 18-7-403, ~~C.R.S.~~; procurement of a child, as described in section 18-7-403.5, ~~C.R.S.~~; ~~keeping a place of child prostitution~~ KEEPING A PLACE FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-404, ~~C.R.S.~~; pimping of a child, as described in section 18-7-405, ~~C.R.S.~~; ~~inducement of child prostitution~~ INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-405.5, ~~C.R.S.~~; ~~patronizing a prostituted child~~ ENGAGING IN COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as described in section 18-7-406, ~~C.R.S.~~; internet luring of a child, as described in section 18-3-306, ~~C.R.S.~~; internet sexual exploitation of a child, as described in section 18-3-405.4, ~~C.R.S.~~; wholesale promotion of obscenity to a minor, as described in section 18-7-102 (1.5), ~~C.R.S.~~; promotion of obscenity to a minor, as described in section 18-7-102 (2.5), ~~C.R.S.~~; sexual assault, as described in section 18-3-402 (1)(d) and (1)(e), ~~C.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), ~~C.R.S.~~; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this paragraph (c).

**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 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 A CHILD FOR COMMERCIAL SEXUAL ACTIVITY, 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 FOR 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 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; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

**SECTION 21.** 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 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 A CHILD FOR COMMERCIAL SEXUAL ACTIVITY, 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 FOR 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; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

**SECTION 22.** 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~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, in violation of section 18-7-401, C.R.S.; ~~soliciting for child prostitution~~ SOLICITING A CHILD FOR COMMERCIAL SEXUAL ACTIVITY, 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.;

**SECTION 23.** In Colorado Revised Statutes, 16-13-303, **amend** (1)(g) 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 deemed a class 1 public nuisance when:

(g) Used for ~~prostitution of a child~~ COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as defined in section 18-7-401, C.R.S., or used as a place where the commission of ~~soliciting for child prostitution~~ SOLICITING A CHILD FOR COMMERCIAL SEXUAL ACTIVITY, 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~~ KEEPING A PLACE FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, 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~~ INDUCEMENT OF COMMERCIAL SEXUAL ACTIVITY WITH A CHILD, as defined in section 18-7-405.5, ~~C.R.S.~~, occurs;

**SECTION 23.** In Colorado Revised Statutes, 16-8-115, **amend** (4)(g)(XIV), (XVII), (XIX), and (XX) 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 A CHILD FOR COMMERCIAL SEXUAL ACTIVITY, as defined in section 18-7-402, ~~C.R.S.~~;

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

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

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

**SECTION 24.** In Colorado Revised Statutes, 16-22-102, **amend** (9)(g)(XIV), (XVII), (XIX), and (XX) 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 A CHILD FOR COMMERCIAL SEXUAL ACTIVITY, as defined in section 18-7-402, ~~C.R.S.~~;

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

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

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

**SECTION 25.** 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 child prostitution~~ KEEPING A PLACE FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD in violation of section 18-7-404;

**SECTION 26.** In Colorado Revised Statutes, **amend** 18-7-405 as follows:

**18-7-405. Pimping of a child.**

Any 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.

**SECTION 27.** In Colorado Revised Statutes, 18-7-403 **amend** (1) as follows:

**18-7-403. Pandering of a child.**

(1) Any 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~~ COMMERCIAL SEXUAL ACTIVITY; or

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

**SECTION 28.** In Colorado Revised Statutes, 18-1.3-101, **amend** (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 for the creation or operation of diversion programs pursuant to this section:

(i) Any ~~child-prostitution~~ offense involving COMMERCIAL SEXUAL ACTIVITY BY A CHILD in part 4 of article 7 of this title.

**SECTION 29.** In Colorado Revised Statutes, **amend** 18-7-403.5 as follows:

**18-7-403.5. Procurement of a child.**

Any 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.

**SECTION 30. Effective Date - applicability.**

This measure shall be effective on and after the date it is declared by proclamation of the governor to have been adopted by voters and shall apply to offenses committed on or after the effective date.