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Colorado General Assembly

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MEMORANDUM

To: Suzanne Taheri and Michael Fields

From: Legislative Council Staff and Office of Legislative Legal Services

Date: April 1, 2025

Subject: Proposed initiative measure 2025-2026 #60, concerning child sexual assault sentencing

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Colorado Legislative Council and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

Purposes

The major purposes of the proposed amendments to the Colorado Revised Statutes appear to be:

1. To require 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 and prohibit a court from sentencing these types of offenders to probation; and
2. To require 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 and prohibit a court from sentencing these types of offenders to probation.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public hearing only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment hearing. Please consider revising the proposed initiative as follows:

1. Section 4 of the proposed initiative establishes an effective date and applicability clause. Both of these purposes need to be reflected in the section's headnote.

Additionally, the section needs to include the standard language for this purpose.
For example:

Section 4. Effective date - applicability. This act takes effect
_____ (insert a fixed date) and applies to offenses committed on or after
said date.