

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

SECTION 1. 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, AS SET FORTH IN SECTION 18-1.3-401, AND UP TO A MAXIMUM OF THE PERSON'S NATURAL LIFE, AS SET FORTH IN SECTION 18-1.3-1004 (1)(a).

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

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

(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 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, AS SET FORTH IN SECTION 18-1.3-401, AND UP TO A MAXIMUM OF THE PERSON'S NATURAL LIFE, AS SET FORTH IN SECTION 18-1.3-1004 (1)(a).

(b) IF A PERSON IS CONVICTED OF A CLASS 3 FELONY OF SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST PURSUANT TO SUBSECTION (2)(a) 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 3 FELONY, AS SET FORTH IN SECTION 18-1.3-401, AND UP TO A MAXIMUM OF THE PERSON'S NATURAL LIFE, AS SET FORTH IN SECTION 18-1.3-1004 (1)(a).

SECTION 3. In Colorado Revised Statutes, 18-1.3-1004, **amend** (2)(a) 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 a sex offense that constitutes a crime of violence, as defined in section 18-1.3-406, or committed a sex offense that makes ~~him or her~~ THE SEX OFFENDER eligible for sentencing as a habitual sex offender against children pursuant to section 18-3-412, or COMMITTED a sex offense requiring sentencing pursuant to ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(e) of this section, OR COMMITTED SEXUAL ASSAULT ON A CHILD THAT IS A CLASS 4 FELONY PURSUANT TO SECTION 18-3-405, OR COMMITTED 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, OR COMMITTED A SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST THAT IS A CLASS 3 FELONY PURSUANT TO SECTION 18-3-405.3 (2)(a), the court shall sentence the sex offender to the department of corrections as provided in subsection (1) of this section. 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 4. Effective Date.

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.