

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

SECTION 1. In Colorado Revised Statutes, 18-6-403, add (1.7), (2)(l), (2)(m), (3)(e), (3)(f), and (4.5) as follows:

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

(1.7) Legislative declaration. The people of Colorado find and declare that emerging digital technologies, including artificial intelligence and online communication platforms, pose unprecedented threats to the safety and well-being of minors. This section is intended to criminalize predatory conduct such as online grooming and sextortion.

(2) Definitions. As used in this section, unless the context otherwise requires:

(l) "Online grooming" means the use of online communication to establish trust, friendship, or authority with a child for the purpose of sexual exploitation or abuse.

(m) "Sextortion" means using threats, blackmail, coercion, or deception to solicit sexual imagery or acts from a child.

(3) Offenses.

(e) A person commits online grooming if the person knowingly engages in digital communications with a child for the purpose of developing a relationship intended to result in sexual abuse or exploitation. A violation is a class 4 felony.

(f) A person commits sextortion if the person knowingly coerces, deceives, or threatens a child into producing sexual content or acts. A violation is a class 4 felony.

(4.5) Exceptions and limitations. The offenses in this section do not apply to:

(a) Law enforcement personnel sharing material in the course of an official investigation; or

(b) Conduct by juveniles under sixteen years of age, unless the conduct involves coercion or distribution for commercial gain.

SECTION 2. In Colorado Revised Statutes, add 6-1-2101 as follows:

6-1-2101. Digital platform child safety requirements — definitions — civil liability.

(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Account" means a user profile or registration that allows a person to create, share, or receive content or communications on a digital platform.

(b) "Account transparency" means the ability of a minor's parent or guardian to audit new contacts and view basic account provenance information.

(c) "Device" means a phone, tablet, computer, or other hardware capable of accessing a digital platform.

(d) "Digital platform" means any website, application, or online service accessible in Colorado that permits user accounts, content sharing, or messaging.

(e) "Exploitative content" means any content that depicts or facilitates sexual abuse, grooming, sextortion, or deepfake imagery involving minors.

(f) "Parental consent" means verified permission from a parent or legal guardian for a minor's account use.

(2) Requirements. A digital platform operating in Colorado must:

(a) Verify user age and obtain parental or guardian consent before permitting minors to create accounts, using reliable methods such as government-issued identification, third-party verification services, or other reasonable means. A platform is not liable for good-faith errors in age verification or consent determination.

(b) Limit the number of accounts that may be created or accessed on a single device.

(c) Maintain and enforce bans on devices used for prohibited conduct, which includes violations of this section or the platform's terms related to child safety. Platforms must provide a process for users to dispute and appeal bans.

(d) Provide screenshot alerts, geo-masking options to obscure a minor's location, and end-to-end encryption for minors' accounts. "Screenshot alert" means a notification to the sender when content is captured. "End-to-end encryption" means a communication method where only the communicating users can read the messages.

(e) Remove reported exploitative content within forty-eight hours of confirmed notice.

(f) The requirements in this section do not apply to platforms primarily used for educational purposes or those without user-generated content involving sexual material.

(3) Civil liability. A digital platform that fails to comply with this section is liable for each violation affecting a minor user, consistent with existing consumer protection remedies under this article.

SECTION 3. In Colorado Revised Statutes, amend 13-21-1401 as follows:

13-21-1401. Private right of action — civil damages — attorney fees.

(1) A victim of a violation of section 18-6-403 or 6-1-2101 may bring a civil action for:

(a) Compensatory damages;

(b) Attorney fees and costs; and

(c) Disgorgement of ill-gotten profits.

(2) "Victim" means any minor depicted or directly harmed by the violation.

SECTION 4. In Colorado Revised Statutes, add 24-33.5-1601 as follows:

24-33.5-1601. Digital child safety fund — creation — uses.

(1) The digital child safety fund is created in the state treasury.

(2) The fund consists of civil and criminal penalties collected under this article.

(3) The money in the fund is continuously appropriated to the department of public safety for:

(a) Education and awareness;

(b) Prevention and intervention programs; and

(c) Technical support for local enforcement and schools.

SECTION 5. In Colorado Revised Statutes, add 18-1.3-1601 as follows:

18-1.3-1601. Attorney general and district attorney enforcement — criminal and civil penalties.

(1) The attorney general and any district attorney may:

- (a) Investigate suspected violations;
- (b) Bring criminal or civil enforcement actions;
- (c) Seek penalties for failure to comply with section 6-1-2101; and
- (d) Recommend injunctions or compliance orders.

SECTION 6. Severability. If any provision of this initiative or the application of this initiative to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the initiative that can be given effect without the invalid provision or application, and to this end the provisions of this initiative are declared to be severable.

SECTION 7. Effective date. This act takes effect upon the date of the official declaration of the vote and the proclamation of the governor, in accordance with article V, section 1 (4)(a) of the Colorado constitution.