

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) 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.

(~~b~~c) 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).

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, AS 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 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

(b) INTERNET LURING OF A CHILD IS A CLASS 3 FELONY 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, AS 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, 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 5. 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 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 TO THE DEPARTMENT OF CORRECTIONS FOR AN INDETERMINATE TERM OF INCARCERATION OF AT LEAST THE MINIMUM OF

THE PRESUMPTIVE RANGE FOR A CLASS 2 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 7. In Colorado Revised Statutes, 18-6-403 (5), **amend** (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, 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 8. In Colorado Revised Statutes, 18-7-401, **add** (2.5) as follows:

18-7-401. Definitions.

(2.5) "COMMERCIAL SEXUAL ACTIVITY" MEANS SEXUAL ACTIVITY FOR WHICH ANYTHING OF VALUE IS GIVEN TO, PROMISED TO, OR RECEIVED BY A PERSON.

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

18-7-402. Soliciting for a child FOR COMMERCIAL SEXUAL ACTIVITY. ~~prostitution.~~

(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 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, AS 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, AS 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, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 11. In Colorado Revised Statutes, **amend** 18-7-404 as follows:

18-7-404. Keeping a place-of-child-prostitution 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, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 12. 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, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 13. In Colorado Revised Statutes, **amend** 18-7-405.5 as follows:

18-7-405.5. Inducement of-child-prostitution 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, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 14. In Colorado Revised Statutes, **amend** section 18-7-406 as follows:

18-7-406. ~~Patronizing a prostituted child.~~ 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, AS SET FORTH IN SECTION 18-1.3-401.

SECTION 15. In Colorado Revised Statutes, 18-1.3-406 (2), **add** (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:

(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 16. 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.