

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 029
Denver, Colorado 80203-1716
Telephone 303-866-3521
Facsimile 303-866-3855
Email lcs.ga@coleg.gov



Ed DeCecco, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
200 E. Colfax Ave., Room 091
Denver, Colorado 80203-1716
Telephone 303-866-2045
Email olls.ga@coleg.gov

MEMORANDUM

To: Michele Austin and Erin Lee

From: Legislative Council Staff and Office of Legislative Legal Services

Date: July 11, 2025

Subject: Proposed initiative measure 2025-2026 #108, concerning penalties for human trafficking of a minor for sexual servitude

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. Adding knowingly trading anything of monetary value to buy or sell sexual activity with a minor as a means of committing human trafficking of a minor for sexual servitude; and
2. Increasing the penalty for human trafficking of a minor for sexual servitude from a class 2 felony to a class 1 felony.

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?
2. Existing law, in section 18-7-406 (1)(a), C.R.S., prohibits patronizing a prostituted child by engaging in an act that is prostitution of a child or by a child, which can involve “performing or offering or agreeing to perform [certain sexual activity with a child] in exchange for money or other thing of value.” Patronizing a prostituted child is a class 3 felony. Does the change in the proposed initiative, adding knowingly trading anything of monetary value to buy or sell sexual activity with a minor as a means of committing human trafficking of a minor for sexual servitude, prohibit the same conduct as the patronizing a prostituted child statute?
3. Existing law, in section 18-7-406 (1)(b), C.R.S., prohibits patronizing a prostituted child by entering or remaining in a place of prostitution with intent to engage in an act that is prostitution of a child or by a child, which can involve “performing or offering or agreeing to perform [certain sexual activity with a child] in exchange for money or other thing of value.” Patronizing a prostituted child under this subsection requires acting with intent. Does the change in the proposed initiative, adding knowingly trading anything of monetary value to buy or sell sexual activity with a minor as a means of committing human trafficking of a minor for sexual servitude, cover the same conduct as patronizing a prostituted child by

entering or remaining in a place of prostitution with intent to engage in an act that is prostitution of a child? Is your goal to change the mental culpability required to commit an offense related to patronizing a prostituted child?

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. Nonstatutory legislative declarations follow the same format as statutory text. Accordingly, the subsections in a nonstatutory legislative declaration should end with semi-colons, with the second to last subsection ending in “and.” Therefore, section 1 of the proposed initiative should appear as follows:

SECTION 1. Legislative declaration. (1) The people of the state of Colorado hereby find and declare:

- (a) Residents of Colorado and other states [...];
 - (b) Current penalties in Colorado [...]; and
 - (c) It is the measure of a fair and compassionate society [...].
2. In section 18-3-504 (5) of the proposed initiative, standard drafting practice is to say, “Nothing in this section” rather than “Nothing in this statute.”
3. In section 18-3-504 (6) of the proposed initiative, standard drafting practice is to say, “The short title of this section is the [...].” rather than “This section is known as the [...].”
4. In section 4 of the proposed initiative, please add a comma after “2027.”
5. It is standard drafting practice to use SMALL CAPITAL LETTERS without underlining to show the language being added to, and stricken type without underlining, which appears as ~~stricken type~~, to show language being removed from the Colorado Constitution or the Colorado Revised Statutes.