

2026 Legislative Priority Proposal
Updated: 9/15/25

| Criminal Penalties for the Sexual Exploitation of Children | |
|---|---|
| Douglas County (Commissioner Abe Laydon) | |
| Preferred Contact: | alaydon@douglas.co.us |
| Co-Sponsoring Counties/Commissioners: | TBD. |
| Who is your subject matter expert? | <p>Jeff Garcia, County Attorney, Douglas County. (303)660-7357. jgarcia@douglas.co.us</p> <p>Zoe Laird, Senior Assistant County Attorney, Douglas County. (303)663-6211. zlaird@douglas.co.us.</p> |
| Has this proposal been approved by your BoCC? | Yes. |
| Have you reviewed the CCI Instructional Memo? | Yes. |
| Describe the problem your proposal will solve. | Individuals sentenced for sexually assaulting or exploiting children are not required to serve time in jail. |
| Areas of Impact: | Power/Authority/Mandate of county government; General community advancement; Public Safety and safety of children. |
| What is the ultimate source of this problem? | This problem arises from incomplete State criminal statutes. |
| What is your initial proposal to solve this problem? | Amend State criminal statutes related to sexual exploitation of children to include sentencing guidance, which exists in other State criminal statutes. |
| Please provide sample language for this solution. | <p>SECTION 1. In Colorado Revised Statutes, 18-3-405, add (3.5) as follows:</p> <p>18-3-405. Sexual assault on a child.</p> <p>(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-</p> |

| | |
|--|---|
| | <p>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).</p> <p>SECTION 2. In Colorado Revised Statutes, 18-3-405.3, add (4.5) as follows:</p> <p>18-3-405.3. Sexual assault on a child by one in a position of trust.</p> <p>(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).</p> <p>(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).</p> <p>SECTION 3. In Colorado Revised Statutes, 18-1.3-1004, amend (2)(a) as follows:</p> <p>18-1.3-1004. Indeterminate sentence.</p> <p>(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</p> |
|--|---|

| | |
|--|--|
| | <p>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 (e) 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.</p> <p>SECTION 4 In Colorado Revised Statutes, 18-7-401, add (2.5) as follows:</p> <p>18-7-401. Definitions.</p> <p>(2.5) "COMMERCIAL SEXUAL ACTIVITY" MEANS SEXUAL ACTIVITY FOR WHICH ANYTHING OF VALUE IS GIVEN TO, PROMISED TO, OR RECEIVED BY A PERSON.</p> <p>SECTION 5. In Colorado Revised Statutes, amend 18-7-402 as follows:</p> <p>18-7-402. Soliciting for A child FOR COMMERCIAL SEXUAL ACTIVITY. prostitution.</p> |
|--|--|

| | |
|--|--|
| | <p>(1) A person commits soliciting A CHILD for child prostitution COMMERCIAL SEXUAL ACTIVITY if he THE PERSON:</p> <p>(a) Solicits another A CHILD for the purpose of prostitution of a child or by a child COMMERCIAL SEXUAL ACTIVITY;</p> <p>(b) SOLICITS ANOTHER FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD</p> <p>(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</p> <p>(c)(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.</p> <p>(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.</p> <p>SECTION 6. In Colorado Revised Statutes, 18-7-403, amend (1)(a), (1)(b), and (2) as follows:</p> <p>18-7-403. Pandering of a child.</p> <p>(1) Any person who does any of the following for money or other thing of value commits pandering of a child:</p> <p>(a) Inducing a child by menacing or criminal intimidation to commit prostitution ENGAGE IN COMMERCIAL SEXUAL ACTIVITY; or</p> <p>(b) Knowingly arranging or offering to arrange a situation in which a child may practice prostitution ENGAGE IN COMMERCIAL SEXUAL ACTIVITY.</p> <p>(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</p> |
|--|--|

| | |
|--|--|
| | <p>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.</p> <p>SECTION 7. In Colorado Revised Statutes, amend 18-7-404 as follows:</p> <p>18-7-404. Keeping a place of child prostitution FOR COMMERCIAL SEXUAL ACTIVITY WITH A CHILD.</p> <p>(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:</p> <p>(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</p> <p>(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.</p> <p>(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</p> |
|--|--|

| | |
|--|--|
| | <p>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.</p> <p>SECTION 8. In Colorado Revised Statutes, amend 18-7-405 as follows:</p> <p>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.</p> <p>SECTION 9. In Colorado Revised Statutes, amend 18-7-405.5 as follows:</p> <p>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.</p> <p>SECTION 10. In Colorado Revised Statutes, amend section 18-7-406 as follows:</p> <p>18-7-406. Patronizing a prostituted child. ENGAGING IN COMMERCIAL SEXUAL ACTIVITY</p> |
|--|--|

| | |
|--|---|
| | <p>WITH A CHILD.</p> <p>(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:</p> <p>(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</p> <p>(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).</p> <p>(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.</p> <p>SECTION 11. In Colorado Revised Statutes, 18-3-306, amend (3) as follows:</p> <p>18-3-306. Internet luring of a child.</p> <p>(3) Internet luring of a child is a class 5 felony; except 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; EXCEPT THAT 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).</p> <p>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</p> |
|--|---|

| | |
|--|---|
| | 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. |
| Are there any solutions that do not require state-level legislation? Has your county explored these alternatives? | No, this requires the amendment of State statutes. |
| Has CCI or any other organizations sought a solution to this problem before? | A similar bill was ran unsuccessfully in 2025. Advance Colorado is now organizing a ballot initiative on a similar issue. |
| What possible organization(s) would support your proposed solution? | County Sheriffs of Colorado Colorado District Attorney's Council Colorado Organization for Victim Assistance Colorado Coalition Against Sexual Assault Colorado Children's Alliance Colorado Parent Advocacy Network |
| What possible organization(s) would oppose your proposed solution? | Colorado Criminal Defense Bar. |
| Have you spoken with any legislators about your proposed solution? If so, what was their response? | The Douglas County delegation is aware of this proposal. The majority of the delegation is in support. |
| What are the financial implications of this problem to your county? Are there any financial implications to this solution either? | There may be additional incarceration costs. |
| What are the financial implications of this problem to any other impacted parties? | There may be additional safety and correction costs at the local, county, and state level. |

| | |
|--|---|
| <p>What are the financial implications of this solution to any other impacted parties? Please consider any relevant Colorado State Departments.</p> | |
| <p>Staff Feedback</p> | <p><u>Risk / Difficulty:</u> Medium - This bill has been attempted in various forms more than once and has not succeeded. Additionally, the Colorado District Attorneys' Council (CDAC), has expressed concerns about the sentencing provisions in the bill. However, the political pressure on the majority party to find a workable solution to this issue may be increasing.</p> <p><u>Time Commitment:</u> Medium - Drafting of bill language is not a time concern since this proposal has been attempted in prior legislative sessions. The main time commitment is persuading a member of the House Judiciary Committee to change their vote from last session and negotiating any bill language changes needed to address the concerns of traditional allies like CDAC.</p> |