

2025-2026 #69 Penalties for human trafficking of a minor REDLINE AMENDED

Be it enacted by the people of the State of Colorado

SECTION 1. Legislative Declaration. (1) The people of the State of Colorado ~~do~~ hereby find and declare:

(a) Residents of Colorado and other states and territories throughout the United States have seen an alarming increase in human trafficking, especially human trafficking involving minor children.

(b) Current penalties in Colorado law with parole possible in as little as eight ~~(8)~~ years have failed to adequately deter the human trafficking of minor children.

(c) It is the measure of a fair and compassionate society to ensure that children are not for sale.

SECTION 2. In Colorado Revised Statutes, 18-3-504, **amend** (2)(a) and (2)(b); and **add** ~~(2)(a)(I), (2)(a)(II), (2)(a)(III), (5), and (6)-)~~ as follows:

18-3-504. Human trafficking for sexual servitude - human trafficking of a minor for sexual servitude. (1) (a) A person commits human trafficking for sexual servitude if the person knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means another person for the purpose of coercing the person to engage in commercial sexual activity.

(b) Human trafficking for sexual servitude is a class 3 felony.

(2) (a) A person commits human trafficking of a minor for sexual servitude if the person:

(I) Knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains, or makes available a minor for the purpose of commercial sexual activity;
~~or~~

(II) Knowingly advertises, offers to sell, or sells travel services that facilitate an activity prohibited pursuant to subsection (2)(a)(I) of this section; OR

(III) KNOWINGLY TRADES ANYTHING OF MONETARY VALUE TO BUY OR SELL SEXUAL ACTIVITY WITH A MINOR.

(b) Human trafficking of a minor for sexual servitude is a class ~~2~~ 1 felony. The court shall sentence a person convicted of such a class ~~2~~ 1 felony to the department of corrections for a term of ~~at least the minimum of the presumptive range for a class 2 felony,~~ LIFE IN PRISON WITHOUT PAROLE OR RELEASE, as set forth in section 18-1.3-401.

(c) In any prosecution under this subsection (2), it is not a defense that:

(I) The minor consented to being sold, recruited, harbored, transported, transferred, isolated, enticed, provided, received, obtained, or maintained by the defendant for the purpose of engaging in commercial sexual activity;

(II) The minor consented to participating in commercial sexual activity;

(III) The defendant did not know the minor's age or reasonably believed the minor to be eighteen years of age or older; or

(IV) The minor or another person represented the minor to be eighteen years of age or older.

(2.5) It is an affirmative defense to a charge pursuant to this section if the person being charged, at the time of the offense, was a victim of human trafficking for sexual servitude who was forced or coerced into engaging in human trafficking for sexual servitude pursuant to this section.

(3) A person does not need to receive any of the proceeds of any commercial sexual activity to commit an offense described in this section.

(4) Conviction for an offense described in this section does not preclude conviction for an offense described in article 6 or 7 of this title based in whole or in part on the same or related conduct, and the court shall not require the prosecution to elect at trial between such offenses.

(5) NOTHING IN THIS STATUTE SHALL LIMIT A GOVERNOR'S STANDING AUTHORITY OF PARDON, COMMUTATION, OR CLEMENCY.

(6) THIS SECTION IS KNOWN AS THE "CHILDREN ARE NOT FOR SALE ACT."

SECTION 3. Effective date -- applicability. This act takes effect on January 1, 2027 and applies to offenses committed on or after that date.