

# PROTECTED INNOCENCE INITIATIVE

STATE ACTION . NATIONAL CHANGE.

## COLORADO REPORT CARD

*Colorado's trafficking in children law fails to expressly identify sex trafficking. Victims who are misidentified or are deemed complicit in the prostitution may face barriers to accessing protection or justice.*

FINAL SCORE

58

FINAL GRADE

F



2.5

7.5

18.5

25

11

15

3.5

10

15

27.5

7.5

15

### CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING

Colorado's trafficking in children law does not expressly include sex trafficking in its scope, however its inclusion in the sex offender registration requirements indicate an intention to include sex trafficking of minors. Colorado has several commercial sexual exploitation of children (CSEC) laws, including: sexual exploitation of a child, procurement of a child for sexual exploitation, soliciting for child prostitution, pandering of a child, procurement of a child, keeping a place of child prostitution, pimping of a child, inducement of child prostitution, and patronizing a prostituted child. The CSEC laws do not refer to trafficking in children for prosecution or victim protection.

### CRIMINAL PROVISIONS ADDRESSING DEMAND

Trafficking in children does not apply to buyers, leaving buyers liable solely under the CSEC law patronizing a prostituted child. Buyers convicted of patronizing a prostituted child may be required to pay restitution to their victims and ordered to pay for the treatment of a victim under 15. Asset forfeiture is not available in prosecutions for patronizing a prostituted child. Buyers who use the Internet to effect sexual conduct with a minor at least four years younger could be prosecuted under Internet luring of a child under 15. Patronizing a prostituted child specifically prohibits the age mistake defense and provides penalties of equal severity for exploiting minors under 18. Buyers of sex with minors must register as sex offenders if convicted of patronizing a prostituted child or possessing child pornography.

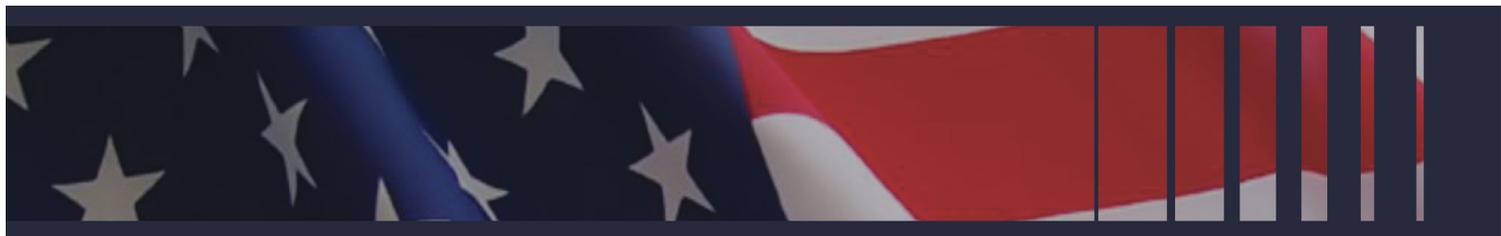
### CRIMINAL PROVISIONS FOR TRAFFICKERS

A trafficker convicted of trafficking in children faces 8–24 years imprisonment and/or a fine of \$5,000–\$1,000,000. Soliciting for child prostitution, pandering of a child, procurement of a child, keeping a place of child prostitution, pimping of a child, inducement of child prostitution, as well as creating and distributing child pornography are all Class 3 felonies punishable by imprisonment for 4–12 years and/or fines of \$3,000–\$750,000. Pandering of a child when intimidation is used is enhanced to a Class 2 felony punishable by 8–24 years and/or a fine of \$5,000–\$1,000,000. Traffickers could also face prosecution under organized crime and money laundering laws leading to additional penalties, asset forfeiture and possible civil damages. Internet sexual exploitation of a child under 15 and Internet luring of a child under 15 do not reach the actions of traffickers who sell or recruit commercial sex acts with minors, leaving the growing trend of online recruitment and selling of children for sex undeterred. Traffickers convicted of trafficking in children or any CSEC offense may be required to make restitution to their victims, and those convicted of trafficking in children, soliciting for child prostitution, patronizing a prostituted child, or sexual exploitation of a child may be ordered to pay for the treatment of a victim under 15. Traffickers must register as sex offenders for convictions of trafficking in children or CSEC offenses. Grounds for termination of parental rights do not include convictions of trafficking in children or CSEC offenses.

### DEMAND | SELECTED COMMERCIAL SEX CRIMES

Crime (name of law abridged)	Classification	Sentence	Fine (possible)	Asset Forfeiture (available)
Patronizing a prostituted child (\$ 18-7-406(1))	Class 3 felony	4–12 years	\$3,000– \$750,000	○
Sexual exploitation of a child; possessing child pornography (\$18-6-403)	Class 6 felony	1–1½ years	\$1,000– \$10,000	○

*All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.*



## PROTECTIVE PROVISIONS FOR THE CHILD VICTIMS

Sex trafficking and CSEC victims are not fully protected under the law. Trafficking in children and CSEC laws do not prohibit a defense based on consent of the minor. Prostitution offenses are not limited in application to adults, do not identify a juvenile involved in prostitution as a victim of trafficking in persons, and provide no affirmative defenses to a minor charged with the offense. As a result, a CSEC victim may enter the juvenile justice system and receive responses ranging from a diversion program to detention. However, child welfare intervention is possible as the definition of abuse includes a child who has been subjected to unlawful sexual behavior, which includes trafficking in children and CSEC laws, and the definition of custodian includes those without legal custody of the child, making it possible that child protective services could intervene in a case of a non-family member trafficking the minor. Crime victims' compensation is available for victims of CSEC offenses; however, participating in the conduct giving rise to the injury, failing to report the crime to law enforcement within 72 hours or to file a claim within one year, and a requirement to cooperate with law enforcement could prevent CSEC victims from receiving compensation, yet each of these requirements can be waived if justice requires it. Victim-friendly trial procedures are available to trafficking in children and CSEC victims, including the admissibility of out of court statements into evidence, permissibility of videotaped testimony by a victim-witness under 15 in lieu of trial testimony due to emotional trauma, and provision of a court advocate. The "rape shield" law, which alleviates the trauma of cross-examination by limiting the admissibility of reputation and prior sexual conduct as evidence, is available in limited cases. Juvenile criminal records can be expunged one year after the child completes a diversion program or four years after the court's termination of jurisdiction over the petitioner or the child's release from commitment to the department of human services. Restitution is available to victims in any criminal sentencing and a victim under the age of 15 of trafficking in children, soliciting for child prostitution, patronizing a prostituted child, or sexual exploitation may be able to have the offender pay for needed treatment. Civil remedies are only available to CSEC victims whose offenders are convicted under organized crime laws or a sex offense against a child, which, though not defined, might include sex trafficking or CSEC offenses. Criminal prosecutions for trafficking in children and all CSEC laws may be brought at any time, while civil claims based on damages from sexual offenses against a child must be brought within six years of the child turning 18.

## CRIMINAL JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTIONS

Colorado law does not require law enforcement to receive training on human trafficking. Single party consent to audiotaping is permitted, but wiretapping is not expressly permitted in investigations for trafficking in children or CSEC crimes. No laws expressly authorize the use of a decoy or the Internet in trafficking in children investigations, and the crimes of Internet sexual exploitation of a child under 15 and Internet luring of a child under 15 are not targeted to reach traffickers or buyers of commercial sex acts with minors. Colorado has established a statewide reporting and response system for missing children and requires the reporting of missing and located children.

## CRIMINAL PROVISIONS FOR FACILITATORS

The trafficking in children law does not include the crime of assisting, enabling, or financially benefitting from sex trafficking. Procurement of a child for exploitation in pornography or sexual performance through transportation, keeping a place of child prostitution, promoting and selling child pornography, and soliciting for child prostitution (which includes the facilitator action of directing a person to a place for the purpose of buying sex acts with a child) are all crimes punishable as Class 3 felonies by 4–12 years imprisonment and/or fine of \$3,000–\$750,000. . Facilitators could also be subject to organized crime and money laundering laws leading to additional penalties, asset forfeiture, and possible liability for civil damages. Facilitators convicted of any CSEC offense may be required to pay restitution to their victims, while facilitators convicted of promoting or soliciting for prostitution may be ordered to pay for the treatment of victims under 15. No laws in Colorado address sex tourism.

The Report Card is based on the Protected Innocence Legislative Framework, an analysis of state laws performed by the American Center for Law & Justice and Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Legislative Framework Methodology, each completed Report Card, and foundational analysis and recommendations, please visit: [www.sharedhope.org/reportcards.aspx](http://www.sharedhope.org/reportcards.aspx).

