







COLORADO

REPORT CARD | 2018

Colorado's trafficking law criminalizes domestic minor sex trafficking without requiring proof of force, fraud, or coercion and recognizes any commercially sexually exploited child as a victim of sex trafficking. However, child sex trafficking victims still face criminalization under the prostitution law, potentially interfering with access to services.

Final Score
88
Final Grade
B

					
10	23.5	12.5	7.5	20.5	14
10	25	15	10	27.5	15

Criminalization of Domestic Minor Sex Trafficking

Colorado's "human trafficking of a minor for sexual servitude" law prohibits sex trafficking a minor without requiring proof of force, fraud, or coercion. Commercial sexual exploitation of children (CSEC) laws include "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," "patronizing a prostituted child," and "cybercrime." The prostitution law does not refer to the "human trafficking of a minor for sexual servitude" law, but human trafficking victims are provided an affirmative defense. Colorado's racketeering law defines racketeering activity to include "human trafficking of a minor for sexual servitude" and certain CSEC offenses, allowing for the prosecution of sex trafficking enterprises.

Criminal Provisions for Demand

Following federal precedent, "human trafficking of a minor for sexual servitude" applies to buyers through the term "obtain." A conviction under the trafficking law is punishable by up to 24 years imprisonment and a fine up to \$1,000,000. Additionally, buyers may be convicted of the following CSEC offenses: "patronizing a prostituted child," "soliciting for child prostitution," and "inducement of child prostitution." A conviction under any of these CSEC offenses is punishable by up to 12 years imprisonment and a fine up to \$750,000; however, a conviction under "patronizing a prostituted child," a sex offense, will be enhanced. Buyers who use the Internet to solicit a minor for sex could face charges under "cybercrime," "Internet luring of a child," and "Internet sexual exploitation of a child." The trafficking law and buyer-applicable CSEC offenses prohibit an age mistake defense. Depending on the offense, financial penalties may include fines, asset forfeiture, and restitution. Possessing images of child sexual exploitation (ICSE) is prohibited, but penalties do not reflect the seriousness of the offense. Buyers of sex with minors must register as sex offenders if convicted of an unlawful sex offense, which includes "human trafficking of a minor for sexual servitude," ICSE, and most CSEC offenses.

Criminal Provisions for Traffickers

"Human trafficking of a minor for sexual servitude" is punishable by up to 24 years imprisonment and a fine up to \$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," and "inducement of child prostitution" are all Class 3 felonies punishable by up to 12 years imprisonment and a fine up to \$750,000. When intimidation is used, "pandering of a child" is enhanced to a Class 2 felony punishable up to 24 years imprisonment and a fine up to \$1,000,000. Creating and distributing ICSE carries penalties comparable to those for similar federal offenses. Although "Internet sexual exploitation of a child" likely does not reach the actions of traffickers who sell or recruit commercial sex acts with a minor under 15 years of age, traffickers may face penalties under "Internet luring of a child" and "cybercrime." Those convicted under the trafficking law must pay victim restitution, but restitution for CSEC offenses is discretionary. Under the public nuisance law, convicted traffickers face asset forfeiture of any real property or vehicle used in commission of "human trafficking of a minor for sexual servitude," but not for CSEC offenses. Traffickers must register as sex offenders upon conviction of trafficking, ICSE, and most CSEC offenses. Grounds for termination of parental rights do not include convictions of "human trafficking of a minor for sexual servitude" or any of Colorado's CSEC offenses.

Criminal Provisions for Facilitators

“Human trafficking of a minor for sexual servitude” does not include the crime of assisting, enabling, or financially benefitting from sex trafficking. “Procurement of a child,” “keeping a place of child prostitution,” and “soliciting for child prostitution” are Class 3 felonies punishable by 4–12 years imprisonment and a fine of \$3,000–\$750,000. Facilitators could also be subject

to additional penalties under state money laundering laws. Depending on the offense, financial penalties may include fines, asset forfeiture, and restitution. Colorado law prohibits the advertisement and sale of child sex tourism. “Sexual exploitation of a child” criminalizes the promotion and sale of ICSE, which carries penalties comparable to those for similar federal offenses



Protective Provisions for the Child Victims

All commercially sexually exploited children are defined as juvenile sex trafficking victims. “Human trafficking of a minor for sexual servitude” prohibits a defense based on the willingness of the minor to engage in the commercial sex act, but CSEC laws do not. Prostitution laws apply to minors under 18, meaning juvenile sex trafficking victims face criminalization for commercial sex acts committed as a result of their victimization. Although Colorado law does not provide a mandatory mechanism for preventing delinquency adjudications for offenses related to trafficking victimization, it does provide juvenile sex trafficking victims with a statutory avenue to services; however, services are not required to be specialized to the needs of these children. Child welfare intervention is possible as the definition of “abuse” includes a child who has been subjected to human trafficking and/or who has been subjected to unlawful sexual behavior, which includes “human trafficking of a minor for sexual servitude” and CSEC laws, and Child Protective Services is authorized to intervene when a child has been subjected to human trafficking, regardless of whether the abuse was committed by a third party. 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. Victim-friendly trial procedures are available to child sex trafficking victims, including the admissibility of out of court statements into evidence, confidentiality for trafficking and CSEC victims (including those asserting an affirmative defense), 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 expressly available to most CSEC victims, but not victims of “human trafficking of a minor for sexual servitude.” Colorado law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, but juvenile records may be expunged upon completion of any imposed sentence unless the adjudication involved unlawful sexual behavior or another specified offense. For purposes of mandatory restitution, “victim” is expressly defined to include child sex trafficking victims, and civil remedies are available to child sex trafficking victims regardless of whether anyone is convicted in connection with their victimization. Criminal prosecutions for “human trafficking of a minor for sexual servitude” and most 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 Prosecution

Colorado law does not mandate or authorize training for law enforcement on human trafficking or domestic minor sex trafficking. Single party consent to audiotaping is permitted. Wiretapping orders may be issued during child sex trafficking investigations, but not during investigations of Colorado’s CSEC offenses. Although Colorado’s trafficking and CSEC laws do not expressly prohibit a defense based on the use of a law enforcement decoy posing as a minor, “Internet luring of a child,” a non-CSEC offense, permits

the use of both decoys and the Internet to investigate certain CSEC offenses; accordingly, a defendant would be prohibited from asserting a defense based on the fact that an actual minor was not involved in the interaction. Colorado has established a statewide reporting and response system for missing children that requires prompt reporting of missing and located missing children.



The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.