

2023 REPORT

COLORADO

Report Cards on Child & Youth Sex Trafficking

State Action. National Change.

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IN 2011, SHARED HOPE RELEASED THE NATION’S FIRST LEGAL FRAMEWORK THAT CHALLENGED states to enact laws that comprehensively address the crime of child sex trafficking. When we launched the Protected Innocence Challenge project—and issued the inaugural State Report Cards—the majority of states received an “F” grade, reflecting the reality that many states’ laws failed to even recognize the crime of child sex trafficking. Since then, we have been working to lay the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders in identifying gaps in the fabric of laws needed to address this heinous crime. By 2019, no state received an “F” grade, and a majority of the country received an “A” or “B.”

PROTECTED INNOCENCE CHALLENGE

COLORADO

Year	Score	Grade	10	23.5	12.5	7.5	22.5	14
2019	90	A	10	25	15	10	27.5	15
2011	58	F	2.5	18.5	11	3.5	15	7.5

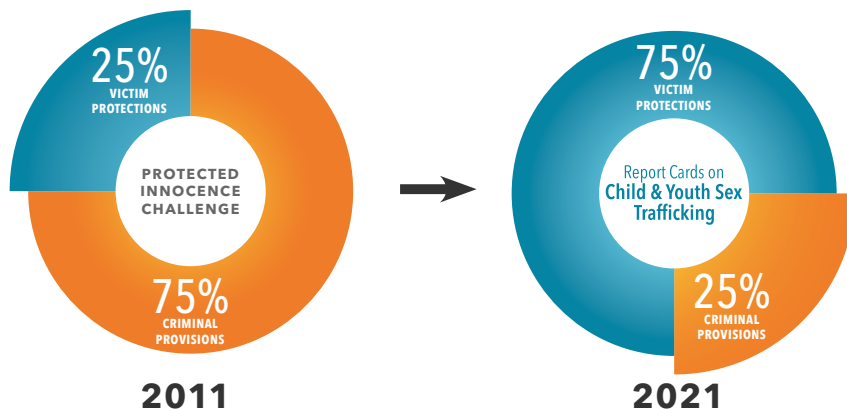
From 2011 to 2019, Colorado raised their grade under the Protected Innocence Challenge from an “F” to an “A,” enacting legislation aimed at holding offenders accountable and protecting survivors.

To view Colorado’s 2019 PIC report, visit sharedhope.org/PICframe9/reportcards/PIC_RC_2019_CO.pdf

A SHIFT IN FOCUS

THE PROTECTED INNOCENCE CHALLENGE PROJECT WAS SHARED HOPE’S VISION FOR MOBILIZING collective state action to ensure national change. Building on the progress already made under that project—while preserving its most fundamental components—we released a new, advanced legislative framework in 2020 that

focuses on new policy priorities reflective of feedback and research collected from the field. This framework is meant to challenge states to take the next step in the fight against sex trafficking by focusing on the area of law where the largest gaps remain—victim protections.



ADVANCED LEGISLATIVE FRAMEWORK

6 ISSUE AREAS IDENTIFIED:

CRIMINAL PROVISIONS

IDENTIFICATION OF & RESPONSE TO VICTIMS

CONTINUUM OF CARE

ACCESS TO JUSTICE FOR TRAFFICKING SURVIVORS

TOOLS FOR A VICTIM-CENTERED CRIMINAL JUSTICE RESPONSE

PREVENTION & TRAINING

40 POLICY GOALS ANALYZED:

110 TOTAL POINTS AWARDED:

States earn up to 2.5 points per policy goal

Extra credit: Protections for labor and youth 18+

100 possible points

plus up to 10 points

FINAL LETTER GRADES ASSIGNED:

A | 90-110 **B** | 80-89 **C** | 70-79 **D** | 60-69 **F** | <60

TIER RANKING

Another way the Report Cards on Child & Youth Sex Trafficking will measure progress is through a Tier system that will help states understand how they are doing compared to other states. Especially at this stage where grades are clustered at lower levels, the Tiers help to show states where they are on a spectrum. This provides another way for states to evaluate the progress they make beyond changes to their letter grade.

THE TIERS ARE STRUCTURED AS FOLLOWS:

- ▶ TIER 1 = TOP 10 SCORES
- ▶ TIER 2 = MIDDLE 31 SCORES
- ▶ TIER 3 = BOTTOM 10 SCORES

C

COLORADO

2023 Report Card

TIER I

GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES. While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.









STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 8.5 points.
- Currently ranked 7th in the nation.
- One of 10 states to raise their letter grade this year.
- One of 6 states that provides for an alternative, specialized child welfare investigation into non-familial cases of child sex trafficking.
- While not trafficking specific, House Bill 23-1249 devel-

- oped a mechanism for connecting children and families, including those impacted by child sex trafficking, to a collaborative and integrated multi-agency service response.
- Extended foster care services are available to youth under 23 years of age, providing an inherently vulnerable group of young people access to services and care that may mitigate risk factors to harm, including exploitation.

SAFE HARBOR STATUS:

State law protects some, but not all minors, from being criminalized for prostitution offenses. Minors who are not identified as child sex trafficking victims may still be subjected to arrest and prosecution for their own victimization.

Issue	Grade	Score	Summary
 1. Criminal Provisions	A	16 17.5	Policy goals accomplished related to buyer and trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, business entity liability under the trafficking law, and financial penalties. Gap remains related to buyer accountability under the trafficking law.
 2. Identification of and Response to Victims	D	17 27.5	Policy goals accomplished related to third party control, screening through child welfare, child abuse definitions, and non-caregiver trafficking cases. Gaps remain related to foreign national victims, screening through the juvenile justice system, non-criminalization for prostitution offenses, expanded non-criminalization, and juvenile court jurisdiction.
 3. Continuum of Care	F	6.5 15	Policy goal accomplished related to extended foster care services. Gaps remain related to community-based services, MDT responses, services through child welfare and the juvenile justice system, and appropriations.
 4. Access to Justice for Trafficking Survivors	C	11 15	Policy goals accomplished related to civil orders of protection, restitution, civil remedies, and statutes of limitation. Gaps remain related to crime victims' compensation and vacatur.
 5. Tools for a Victim-Centered Criminal Justice Response	B	8.5 10	Policy goal accomplished related to hearsay exceptions. Gaps remain related to alternatives to live, in-court testimony, victim-witness supports, and privileged communications.
 6. Prevention and Training	D	9 15	Policy goals accomplished related to training for school personnel and prevention education in schools. Gaps remain related to training for child welfare, juvenile justice agencies, law enforcement, and prosecutors.
EXTRA CREDIT	 Youth	1	Protection related to civil remedies is extended to sex trafficked youth.
	 Child Labor Trafficking	4	Protections related to financial penalties, child abuse definitions, restitution, and civil remedies are extended to child labor trafficking victims.

OVERALL GRADE

TIER I

C 73

WHAT IS SAFE HARBOR?

“Safe Harbor” refers to laws that insulate survivors from a punitive response and direct them toward funded, comprehensive, and protective services.










WHY SAFE HARBOR?

These laws ensure survivors of child and youth sex trafficking are not involved in the juvenile or criminal justice system and receive trauma-informed care. Appropriate identification and access to services are vital to creating a just response for survivors of child and youth sex trafficking.

SAFE HARBOR LAWS

Comprehensive Safe Harbor laws
**SHOULD PROHIBIT
ARRESTING, DETAINING,
CHARGING, & PROSECUTING**
all minors for prostitution offenses, regardless of whether a finding of trafficking victimization is made, and, instead, require law enforcement to direct child and youth survivors to
SPECIALIZED SERVICES & CARE.

Safe Harbor laws
**SHOULD ALSO PROHIBIT
CRIMINALIZATION**
of child sex trafficking survivors for other crimes committed as a result of their victimization.

Status	Safe Harbor Policy Goal
 Fully met	The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control (see Policy Goal 2.1 for further analysis and Issue Brief 2.1 for background).
 Fully met	State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking (see Policy Goal 2.3 for further analysis and Issue Brief 2.3 for background).
 Not met	State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking (see Policy Goal 2.4 for further analysis and Issue Brief 2.4 for background).
 Partially met	State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest (see Policy Goal 2.5 for further analysis and Issue Brief 2.5 for background).
 Partially met	State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization (see Policy Goal 2.6 for further analysis and Issue Brief 2.6 for background).
 Partially met	State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization (see Policy Goal 2.7 for further analysis and Issue Brief 2.7 for background).
 Partially met	State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization (see Policy Goal 2.8 for further analysis and Issue Brief 2.8 for background).
 Partially met	State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems (see Policy Goal 3.1 for further analysis and Issue Brief 3.1 for background).
 Not met	State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement (see Policy Goal 3.6 for further analysis and Issue Brief 3.6 for background).

STATE SUMMARY:

Colorado protects some, but not all, minors from prosecution for prostitution. Because Colorado law hinges non-criminalization on a finding of victimization, a commercially sexually exploited child may be subject to re-traumatizing practices and adversarial processes prior to being identified as a trafficking victim, while others may never be identified and face prosecution for prostitution. Further, although services may be available through a local collaborative management program, establishment of the program is discretionary, and services are not required to be specialized to the unique needs of child sex trafficking victims, potentially leaving some survivors underserved or disconnected from resources that are necessary to address trauma and promote healing.

SAFE HARBOR RESOURCES: For additional information, visit reportcards.sharedhope.org/safeharbor/.

SAFE HARBOR MAP: To see our map of state Safe Harbor law development, visit reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf.

This report provides a thorough analysis of Colorado’s statutes related to offender accountability and victim protections while providing recommendations for addressing gaps in those statutes.¹ This report does not analyze case law, agency rules, or regulations, nor does it analyze practices or initiatives that exist outside of statutory law. However, stakeholders were invited to share non-statutory responses to paint a fuller picture of the state’s anti-child sex trafficking response; where such responses were submitted, they are included as “Insights from the Field” under the respective policy goal but are not factored into the state’s grade.

For more information on how to use this Analysis Report, click [here](#).



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

● PARTIALLY MET

Following federal precedent, Colorado’s human trafficking law could apply to buyers of commercial sex with minors based on the term “obtains.”² Specifically, Colo. Rev. Stat. Ann. § 18-3-504(2)(a)(I) (Human trafficking for sexual servitude – Human trafficking of a minor for sexual servitude) states, “A person commits human trafficking of a minor for sexual servitude if the person . . . [k]nowingly 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.” Pursuant to Colo. Rev. Stat. Ann. § 18-3-504(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,” indicating

¹ Evaluations of state laws are based on legislation enacted as of July 1, 2023.

² See *United States v. Jungers*, 702 F.3d 1066 (8th Cir. 2013). In this case, the Eighth Circuit specifically addressed whether the federal sex trafficking law, 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion) applies to buyers of sex with minors. Reversing a District of South Dakota ruling that Congress did not intend the string of verbs constituting criminal conduct under 18 U.S.C. § 1591(a)(1) (“recruits, entices, harbors, transports, provides, obtains, or maintains”) to reach the conduct of buyers (*United States v. Jungers*, 834 F. Supp. 2d 930, 931 (D.S.D. 2011)), the Eighth Circuit concluded that 18 U.S.C. § 1591 does not contain a “latent exemption for purchasers” because buyers can “engage in at least some of the prohibited conduct.” *Jungers*, 702 F. 3d 1066, 1072. Congress codified *Jungers* clarifying that the federal sex trafficking law is intended to apply to buyers in the Justice for Victims of Trafficking Act (JVTA) of 2015 Pub. L. No. 114-22, 129 Stat 227, enacted on May 29, 2015. The JVTA adds the terms “patronize” and “solicit” to the list of prohibited conduct and expressly states, “section 108 of this title amends section 1591 of title 18, United States Code, to add the words ‘solicits or patronizes’ to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.” *Id.* at Sec. 109. The Eighth Circuit decision in *United States v. Jungers* and the federal sex trafficking law as amended by the Justice for Victims of Trafficking Act establish persuasive authority when state courts interpret the string of verbs constituting prohibited conduct in state sex trafficking laws (in particular, the term “obtains”) to the extent such interpretation does not conflict with state case law.

that the Colorado General Assembly intended to apply the statute to any person involved in a trafficking offense. However, to ensure buyers are held accountable as sex trafficking offenders, the trafficking law should be amended to expressly apply to persons who “patronize” a minor for commercial sex.

- 1.1.1 Recommendation: Amend Colo. Rev. Stat. Ann. § 18-3-504 (Human trafficking for sexual servitude – Human trafficking of a minor for sexual servitude) to clarify that buyer conduct is included as a violation of Colo. Rev. Stat. Ann. § 18-3-504. (See [Issue Brief 1.1.](#))

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws³ specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

● FULLY MET

Colorado law criminalizes both purchasing and soliciting commercial sex with a minor. Pursuant to Colo. Rev. Stat. Ann. § 18-7-406(1) (Patronizing a prostituted child),

Any person who performs any of the following with a child not his spouse commits patronizing a prostituted child:

- (a) Engages in an act which is prostitution of a child⁴ or by a child,⁵ as defined in section 18-7-401 (6) or (7) [Definitions]; or
- (b) Enters or remains in a place of prostitution with intent to engage in an act which is prostitution of a child or by a child, as defined in section 18-7-401 (6) or (7).

Additionally, Colo. Rev. Stat. Ann. § 18-7-402(1) (Soliciting for child prostitution) states,

A person commits soliciting for child prostitution if he:

- (a) Solicits another for the purpose of prostitution of a child or by a child;

³ The phrase “commercial sexual exploitation of children” (or “CSEC”) encompasses a variety of criminal offenses committed against a child in which the child engages, or agrees to engage, in a sex act in exchange for something of value either directly or through a third party. Appropriately crafted CSEC laws can be important, additional tools available in a prosecution of child sex trafficking conduct by supplementing available penalties under the trafficking law and providing additional options for plea negotiations without requiring prosecutors to rely on unrelated or low-level offenses in that context. For this reason, we analyze trafficking laws separately from CSEC laws—even though both involve commercial sexual exploitation. For a complete list of Colorado’s CSEC laws, see the appendix located at the end of this report.

⁴ Colo. Rev. Stat. Ann. § 18-7-401(7) (Definitions) defines “prostitution of a child” as follows:

[E]ither inducing a child to perform or offer or agree to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not the child’s spouse by coercion or by any threat or intimidation or inducing a child, by coercion or by any threat or intimidation or in exchange for money or other thing of value, to allow any person not the child’s spouse to perform or offer or agree to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with or upon such child. Such coercion, threat, or intimidation need not constitute an independent criminal offense and shall be determined solely through its intended or its actual effect upon the child.

⁵ Colo. Rev. Stat. Ann. § 18-7-401(6) defines “prostitution by a child” as follows:

[E]ither a child performing or offering or agreeing to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not the child’s spouse in exchange for money or other thing of value or any person performing or offering or agreeing to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any child not the person’s spouse in exchange for money or other thing of value.

- (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution of a child or by a child; or
- (c) Directs another to a place knowing such direction is for the purpose of prostitution of a child or by a child.

Lastly, Colo. Rev. Stat. Ann. § 18-7-405.5(1) (Inducement of child prostitution) states, “Any person who by word or action, other than conduct specified in section 18-7-403 (1)(a) [Pandering of a child], induces a child to engage in an act which is prostitution by a child, as defined in section 18-7-401 (6) [Definitions], commits inducement of child prostitution.”

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws⁶ apply to traffickers and protect all minors under 18.

● FULLY MET

Colorado’s CSEC laws address an array of trafficker conduct. Pursuant to Colo. Rev. Stat. Ann. § 18-7-403.5 (Procurement of a child), “Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available, to another person a child for the purpose of prostitution of the child commits procurement of a child, which is a class 3 felony.”

Further, Colo. Rev. Stat. Ann. § 18-7-405 (Pimping of a child) states, “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 commits pimping of a child, which is a class 3 felony.”

Colo. Rev. Stat. Ann. § 18-7-403 (Pandering of a child) prohibits a person from doing “any of the following for money or other thing of value . . . : (a) Inducing a child by menacing or criminal intimidation to commit prostitution; or (b) Knowingly arranging or offering to arrange a situation in which a child may practice prostitution.” Additionally, Colo. Rev. Stat. Ann. § 18-7-405.5(1) (Inducement of child prostitution) states, “Any person who by word or action, other than conduct specified in section 18-7-403 (1)(a) [Pandering of a child], induces a child to engage in an act which is prostitution by a child, as defined in section 18-7-401 (6) [Definitions], commits inducement of child prostitution.”

Colo. Rev. Stat. Ann. § 18-7-402(1) (Soliciting for child prostitution) provides,

A person commits soliciting for child prostitution if he:

- (a) Solicits another for the purpose of prostitution of a child or by a child;
- (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution of a child or by a child; or
- (c) Directs another to a place knowing such direction is for the purpose of prostitution of a child or by a child.

Lastly, Colo. Rev. Stat. Ann. § 18-5.5-102(1)(h) (Cybercrime) states, “A person commits cybercrime if the person knowingly . . . [s]olicits or offers to arrange a situation in which a minor may engage in prostitution, by means of using a computer, computer network, computer system, or any part thereof.”

⁶ See *supra* note 3 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.

Policy Goal 1.4 Mistake of age is not an available defense in child sex trafficking prosecutions.

● FULLY MET

Colorado law prohibits a mistake of age defense in prosecutions for child sex trafficking.⁷ Pursuant to Colo. Rev. Stat. Ann. § 18-3-504(c) (Human trafficking for sexual servitude – Human trafficking of a minor for sexual servitude),

In any prosecution under this subsection (2),⁸ it is not a defense that:

....

(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.

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

● FULLY MET

Although the trafficking law does not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Colorado's criminal attempt statute, Colo. Rev. Stat. Ann. § 18-2-101 (Criminal attempt), could provide prosecutors with an alternative avenue to prosecute those cases. Colo. Rev. Stat. Ann. § 18-2-101(1) states in part, "Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed has the attendant circumstances been as the actor believed them to be" Accordingly, an offender could be found guilty of attempting to commit a child sex trafficking offense despite the use of a law enforcement decoy.

Policy Goal 1.6 Business entities can be held criminally liable for conduct that violates the trafficking law.

● FULLY MET

Colorado law allows business entities to be held criminally liable for conduct that violates the trafficking law . Pursuant to Colo. Rev. Stat. Ann. § 18-3-504(2)(a) (Human trafficking for sexual servitude – Human trafficking of a minor for sexual servitude),

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.

For purposes of criminalization under Colo. Rev. Stat. § 18-3-504, Colo. Rev. Stat. § 18-3-502(9) (Definitions) defines "person" as having the same meaning as set forth in Colo. Rev. Stat. § 2-4-401(8) (Definitions), which states, "'Person' means any individual, corporation, government or governmental subdivision or agency, business

⁷ Further, Colo. Rev. Stat. Ann. § 18-7-407 (Criminality of conduct) prohibits the defense in certain CSEC prosecutions, stating,

In any criminal prosecution under sections 18-7-402 to 18-7-407 [including soliciting for child prostitution, pandering of a child, procurement of a child, keeping a place of child prostitution, pimping of a child, and patronizing a prostituted child], it shall be no defense that the defendant did not know the child's age or that he reasonably believed the child to be eighteen years of age or older.

⁸ Colo. Rev. Stat. Ann. § 18-3-504(2) criminalizes human trafficking of a minor for sexual servitude.

trust, limited liability company, partnership, association, or other legal entity.” Accordingly, business entities can be held liable for a human trafficking violation.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

● FULLY MET

Colorado law levies financial penalties on sex trafficking and CSEC offenders; although a mandatory surcharge will be directed into a victim services fund, a percentage of forfeited assets is not.

Colo. Rev. Stat. Ann. § 18-24-102 (Surcharge) imposes a mandatory surcharge on offenders convicted of a crime against a child, stating,

- (1) Each person who is convicted of a crime against a child⁹ shall be required to pay a surcharge to the clerk of the court for the judicial district in which the conviction occurs.
- (2) Surcharges pursuant to subsection (1) of this section are in the following amounts:
 - (a) For each class 2 felony of which a person is convicted, except as described in subsection (3) of this section, one thousand five hundred dollars;
 - (b) For each class 3 felony of which a person is convicted, one thousand dollars;
 - (c) For each class 4 felony of which a person is convicted, five hundred dollars;
 - (d) For each class 5 felony of which a person is convicted, three hundred seventy-five dollars;
 - (e) For each class 6 felony of which a person is convicted, two hundred fifty dollars;
 - (f) For each class 1 misdemeanor of which a person is convicted, two hundred dollars;
 - (g) For each class 2 misdemeanor of which a person is convicted, one hundred fifty dollars; and
 - (h) For each class 3 misdemeanor of which a person is convicted, seventy-five dollars.
- (3) For the purposes of subsection (2)(a) of this section, if the class 2 felony of which the person is convicted is for human trafficking of a minor for involuntary servitude, as described in section 18-3-503, or for human trafficking of a minor for sexual servitude, as described in section 18-3-504, then the person is required to pay a surcharge in the amount of three thousand dollars.

⁹ Colo. Rev. Stat. Ann. § 18-24-101(2) (Definitions) defines “crime against a child” as follows:

any offense listed in section 18-3-411 [Sex offenses against children – Limitation for commencing proceedings – Evidence – Statutory privilege – Definition], or criminal attempt, conspiracy, or solicitation to commit any of those offenses, and any of the following offenses, or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

-
- (g) Human trafficking of a minor for involuntary servitude, in violation of section 18-3-503; or
 - (h) Human trafficking of a minor for sexual servitude, in violation of section 18-3-504.

In turn, Colo. Rev. Stat. Ann. § 18-3-411 defines “unlawful sexual offense,” in part, as follows:

human trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; . . . soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-406; class 4 felony internet luring of a child, as described in section 18-3-306 (3); internet sexual exploitation of a child, as described in section 18-3-405.4; unlawful electronic sexual communication, as described in section 18-3-418; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

Colo. Rev. Stat. Ann. § 18-24-103 (Collection and distribution of funds – Child abuse investigation surcharge fund – Creation) directs the surcharge, in part, to the Child Abuse Investigation Surcharge Fund for training, technical assistance, and/or distribution to organizations the coordinate a multidisciplinary team response for child abuse intervention. Specifically, Colo. Rev. Stat. Ann. § 18-24-103(1)–(2) states,

- (1) The clerk of the court shall allocate the surcharge required by section 18-24-102 as follows:
 - (a) Five percent shall be retained by the clerk of the court for administrative costs incurred pursuant to this subsection (1). Such amount retained shall be transmitted to the state treasurer for deposit in the judicial stabilization cash fund created in section 13-32-101 (6), C.R.S.
 - (b) Ninety-five percent shall be transferred to the state treasurer, who shall credit the same to the child abuse investigation surcharge fund created pursuant to subsection (2) of this section.
- (2)
 - (a) There is hereby created in the state treasury the child abuse investigation surcharge fund that shall consist of moneys received by the state treasurer pursuant to this section. The moneys in the fund shall be subject to annual appropriation by the general assembly to the division of criminal justice in the department of public safety for distribution to the state chapter of a nonprofit or not-for-profit organization that coordinates programs that offer a multidisciplinary team response for child sexual abuse intervention in child-friendly, child-appropriate facilities, referred to in this section as the "state chapter".

.....

 - (a.3) The state chapter may use a portion of the moneys that it receives pursuant to paragraph (a) of this subsection (2) for training and technical assistance to facilitate the coordination of programs that offer a multidisciplinary team response for child sexual abuse intervention in child-friendly, child-appropriate facilities. The state chapter shall distribute the remainder of the moneys directly to the programs.
 - (a.5) Each program that receives money from the fund must:
 - (I) Include in the services provided forensic interviews, therapeutic intervention, medical evaluations, victim advocacy, case tracking, and case review;
 - (II) Have a signed interagency agreement and protocol with the law enforcement agencies, the district attorney's office, and the county department of human or social services in the jurisdiction where the program is operating;
 - (III) Meet the national performance standards of a national accrediting body that requires programs to satisfy the criteria described in subparagraphs (I) and (II) of this paragraph (a.5); and
 - (IV) Satisfy the accountability and performance standards established by the division pursuant to subparagraph (III) of paragraph (a.1) of this subsection (2).

Further, Colo. Rev. Stat. Ann. § 16-13-303(1), (3) (Class 1 public nuisance) expressly provides for asset forfeiture in trafficking and CSEC cases, stating,

- (1) Every building or part of a building including the ground upon which it is situate and all fixtures and contents thereof, every vehicle, and any real property shall be deemed a class 1 public nuisance when:
 - (a) Used as a public or private place of prostitution or used as a place where the commission of soliciting for prostitution, as defined in section 18-7-202, C.R.S.; pandering, as defined in section 18-7-203, C.R.S.; keeping a place of prostitution, as defined in section 18-7-204, C.R.S.; pimping, as defined in section 18-7-206, C.R.S.; or human trafficking, as described in section 18-3-503 or 18-3-504, C.R.S., occurs;
 -
 - (g) Used for prostitution of a child, as defined in section 18-7-401, C.R.S., or used as a place where the commission of soliciting for child prostitution, as defined in section 18-7-402, C.R.S., pandering of a child, as defined in section 18-7-403, C.R.S., keeping a place of child prostitution, as defined in section 18-7-404, C.R.S., pimping of a child, as defined in section 18-7-405, C.R.S., or inducement of child prostitution, as defined in section 18-7-405.5, C.R.S., occurs;

- (h) Used for the sexual exploitation of children pursuant to part 4 of article 6 of title 18, C.R.S.;
.....
- (i) Used in the commission of any felony not otherwise included in this section;
.....
- (3)
.....
- (d) All equipment of any kind, including but not limited to computers and any type of computer hardware, software, or other equipment, used in committing sexual exploitation of a child, as described in section 18-6-403, or cybercrime, as described in section 18-5.5-102.

Disposition of forfeited property is governed by Colo. Rev. Stat. Ann. § 16-13-311(1), (3)(a) (Disposition of seized personal property), which states,

- (1) Any personal property subject to seizure, confiscation, forfeiture, or destruction under the provisions of this part 3, and which is seized as a part of or incident to proceedings under this part 3 for which disposition is not provided by another statute of this state, shall be disposed of as provided in this section.
.....

- (3)
 - (a) . . . Property forfeited pursuant to this section or proceeds therefrom must be distributed or applied in the following order:
 - (I) To payment of the balances due on any liens perfected on or before the date of seizure preserved by the court in the forfeiture proceedings, in the order of their priority;
 - (II) To compensate an innocent partial owner for the fair market value of his or her interest in the property;
 - (III) To any person who suffers bodily injury, property damage, or property loss as a result of the conduct constituting a public nuisance that resulted in such forfeiture, if said person petitions the court therefor prior to the hearing dividing the proceeds pursuant to this section and the court finds that such person suffered said damages as a result of the subject acts that resulted in the forfeiture;
 - (IV) To the law enforcement agency in possession of the property for reasonable fees and costs of sale, maintenance, and storage of the property;
 - (V) To the district attorney for actual and reasonable expenses related to the costs of prosecuting the forfeiture proceeding and title transfer not to exceed ten percent of the value of the property;
 - (VI) One percent of the value of the property to the clerk of the court for administrative costs associated with compliance with this section;
 - (VII) The balance must be delivered, upon order of the court, as follows:
 - (A) Fifty percent to the general fund of the governmental body or bodies with budgetary authority over the seizing agency for public safety purposes or, if the seizing agency was a multijurisdictional task force, fifty percent to be distributed in accordance with the appropriate intergovernmental agreement;
 - (B) Twenty-five percent to the managed service organization contracting with the behavioral health administration in the department of human services serving the judicial district where the forfeiture proceeding was prosecuted to fund detoxification and substance use disorder treatment. Money appropriated to the managed service organization must be in addition to, and not be used to supplant, other funding appropriated to the behavioral health administration; and
 - (C) Twenty-five percent to the law enforcement community services grant program fund, created pursuant to section 24-32-124 (5) [Law enforcement community services grant program – Committee – Legislative declaration – Definitions – Repeal].

As noted above, however, state asset forfeiture laws do not direct a percentage of a sex trafficking or CSEC offender’s forfeited assets into a victim services fund.

EXTRA CREDIT



Colorado law levies financial penalties on child labor trafficking offenders and directs those financial penalties into a victim services fund. Colo. Rev. Stat. Ann. §§ 18-24-102(3), 18-24-103.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

● **FULLY MET**

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. Colo. Rev. Stat. Ann. § 18-3-502(12) (Definitions) defines “victim” as “a person who is alleged to have been, or who has been, subjected to human trafficking, as described in . . . section 18-3-504 [Human trafficking for sexual servitude – Human trafficking of a minor for sexual servitude].” Colo. Rev. Stat. Ann. § 18-3-504 does not require third party control because it can apply directly to buyers of commercial sex with minors based on federal precedent.¹⁰

Accordingly, third party control is not required to identify a commercially sexually exploited child as a trafficking victim or to establish the crime of human trafficking.

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

○ **NOT MET**

Colorado law does not provide policy guidance that facilitates appropriate responses to foreign national child sex trafficking victims.

2.2.1 Recommendation: Statutorily provide policy guidance that facilitates access to services and assistance for trafficked foreign national children. (*See Issue Brief 2.2.*)

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

● **FULLY MET**

Colorado law requires child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking. Colo. Rev. Stat. Ann. § 19-3-317 (Screening tool – Human trafficking) states,

On and after January 1, 2017, pursuant to the federal “Preventing Sex Trafficking and Strengthening Families Act”, Pub.L. 113-183, the department and each county department, as defined in section 19-1-103, shall implement a uniform screening tool that includes questions that are intended to identify children who are victims of human trafficking of a minor for sexual servitude, as described in section 18-3-504, or commercial sexual exploitation of a child, or who are at risk of being such victims.

¹⁰ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Colo. Rev. Stat. Ann. § 18-3-504.

INSIGHTS FROM THE FIELD



“Due to the passage of House Bill 16-1224 (https://cdpsdocs.state.co.us/ovp/Human_Trafficking/Act_HB16-1224.pdf), the Colorado Department of Human Services (CDHS) and County Departments are required, “[to] implement a uniform screening tool that includes questions that are intended to identify children who are victims of human trafficking of a minor for sexual servitude, or commercial sexual exploitation of a child, or who are at risk of being such victims.” In 2017, CDHS established rules in the “Code of Colorado Regulations: 12 CCR 2509-1 Overview of Child Welfare Services” (<https://www.coloradosos.gov/CCR/GenerateRulePdf.do?ruleVersionId=9694&fileName=12%20CCR%202509-1>) to comply with this legislation, stating that the tool must be administered anytime a county department has concerns that a child/youth has been trafficked. In addition, CDHS established a policy that requires universal screening of any youth in custody who returns and were reported missing from care incident/run.

CDHS also added the screening tool to their in-take database for easy use across the child welfare system. The uniform screening tool used in Colorado is called the Human Trafficking High-Risk Victim Identification Tool. This tool covers risk factors for both sex and labor trafficking.”

*-Maria A. Trujillo, Human Trafficking Program Manager
Colorado Human Trafficking Council, Colorado Department of Public Safety*

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

○ **NOT MET**

Colorado law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

2.4.1 Recommendation: Statutorily require juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation. (*See [Issue Brief 2.4](#).*)

INSIGHTS FROM THE FIELD



“In practice since 2019 the Division of Youth Services (Colorado's juvenile justice agency) currently conducts global screening of all youth who enter their facilities for risk of human trafficking (both sex and labor trafficking questions are included in the screening tool).”

-*Maria A. Trujillo, Human Trafficking Program Manager
Colorado Human Trafficking Council, Colorado Department of Public Safety*

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.

● **PARTIALLY MET**

Colorado law prohibits the criminalization of some, but not all, minors for prostitution offenses. While the core prostitution offense, Colo. Rev. Stat. Ann. § 18-7-201 (Prostitution prohibited), is age neutral, applying equally to minors and adults, Colo. Rev. Stat. Ann. § 18-7-209 (Immunity from prostitution-related offenses – Victim – Human trafficking of a minor for involuntary servitude – Human trafficking of a minor for sexual servitude)¹¹ provides,

If probable cause exists to believe that the minor charged with a prostitution-related activity pursuant to section 18-7-201, 18-7-202 [Soliciting for prostitution], 18-7-204 [Keeping a place of prostitution], or 18-7-207 [Prostitute making display] or a prostitution-related offense pursuant to a county or municipal ordinance was a victim of human trafficking of a minor for involuntary servitude, pursuant to 18-3-503(2), or human trafficking of a minor for sexual servitude, pursuant to section 18-3-504(2), at the time of the

¹¹ In addition to the protections provided under Colo. Rev. Stat. Ann. § 18-7-209, Colo. Rev. Stat. Ann. § 18-1-712.5(2) (Immunity for sex workers and persons who are victims of human trafficking for sexual servitude and who suffer or report an assault – Definition) extends non-criminalization protections to persons who, in the course of engaging in conduct that violates the prostitution law, seeks assistance from law enforcement or a medical provider. It states,

A person is immune from arrest and prosecution for prostitution as described in section 18-7-201, soliciting for prostitution as described in section 18-7-202, and a prostitute making display as described in section 18-7-207, if the person seeks assistance from a law enforcement officer, the 911 system, or a medical provider and if the evidence for the charge of prostitution, soliciting prostitution, or a prostitute making display was obtained as a result of the person seeking assistance, as a result of the need for assistance, or as a result of the reporting of assistance. This subsection (2) also applies to equivalent municipal charges and arrests.

Colo. Rev. Stat. Ann. § 18-1-712.5(1) defines “person” as follows:

- (a) A person who is the victim of an offense set forth in subsection (3) of this section [including both sex and labor trafficking];
- (b) A person who is a victim of human trafficking of a minor for sexual servitude pursuant to section 18-3-504; or
- (c) A witness to an offense set forth in subsection (3) of this section.

offense being charged, the minor is immune from criminal liability or juvenile delinquency proceedings for such charges.

In addition to the protections provided under Colo. Rev. Stat. Ann. § 18-7-209, Colorado law requires law enforcement officers to refer all suspected cases of child sex trafficking to child welfare for services and support. Colo. Rev. Stat. Ann. § 18-7-201.4 (Victim of human trafficking of a minor for sexual servitude – Provision of services – Reporting) states,

If a law enforcement officer encounters a person who is under eighteen years of age and who is engaging in any conduct that would be a violation of section 18-7-201, 18-7-202, 18-7-204, 18-7-207 or a prostitution-related offense pursuant to a county or a municipal ordinance and there is probable cause to believe that the minor is a victim of human trafficking for sexual servitude pursuant to section 18-3-504, the law enforcement officer or agency shall immediately report a suspected violation of human trafficking of a minor for sexual servitude to the appropriate county department of human or social services or the child abuse reporting hotline system created pursuant to section 26-5-111. The county department of human or social services shall subsequently follow the reporting requirements set forth in section 19-3-308(4)(c) [Action upon report of intrafamilial, institutional, or third-party abuse – Investigations – Child protection team – Rules].

Further, law enforcement officers are permitted to take suspected child sex trafficking victims into protective custody following a child welfare investigation. Colo. Rev. Stat. Ann. § 19-3-308(4)(c) provides,

If, at any time after the commencement after an investigation, the county department has reasonable cause to suspect that the child or any other child under the same care is a victim of human trafficking, the county department shall notify the local law enforcement as soon as it is reasonably practicable to do so. If immediate removal is necessary to protect the child or other children under the same care from further abuse, the child or children may be placed in protective custody in accordance with sections 19-3-401(1)(a) [Taking children into custody] and 19-3-405 [Temporary protective custody]

However, Colorado law limits protections afforded under Colo. Rev. Stat. Ann. § 18-7-209, Colo. Rev. Stat. Ann. § 18-7-201.4, and Colo. Rev. Stat. Ann. § 19-3-308(4)(c) to identified child sex trafficking victims, thus potentially precluding unidentified commercially sexually exploited minors from accessing non-criminalization, temporary protective custody, and service referral responses.

- 2.5.1 Recommendation: Strengthen existing law to expressly prohibit the criminalization of any person under 18 years of age, regardless of whether the minor is identified as a victim of child sex trafficking. (*See Issue Brief 2.5.*)

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.
● PARTIALLY MET

Although Colorado law does not prohibit the criminalization of child sex trafficking victims for status offenses or for misdemeanors or non-violent felonies committed as a result of their trafficking victimization, an affirmative defense may be available. Specifically, Colo. Rev. Stat. Ann. § 18-1-713(1) (Victims of human trafficking of a minor for involuntary servitude or sexual servitude – Affirmative defenses) provides,

Except as provided in section 18-7-209 [Immunity from prostitution-related offenses – Victims – Human trafficking of a minor for involuntary servitude – Human trafficking of a minor for sexual servitude], it is an affirmative defense to any charge, other than a class 1 felony, if the minor being charged proves, by a preponderance of the evidence, that he or she was, at the time of the offense:

- (a) A victim of human trafficking of a minor for involuntary servitude pursuant to section 18-3-503 or human trafficking of a minor for sexual servitude pursuant to section 18-3-504; and
- (b) Forced or coerced into engaging in the criminal act charged.

2.6.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization. (See [Issue Brief 2.6](#).)

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

1 PARTIALLY MET

Colorado law prohibits the criminalization of child sex trafficking victims for certain prostitution-related offenses; however, victims can still be charged as sex trafficking offenders or as accomplices alongside their exploiters.

Under Colo. Rev. Stat. Ann. § 18-7-209 (Immunity from prostitution-related offenses – Victims – Human trafficking of a minor for involuntary servitude – Human trafficking of a minor for sexual servitude),

If probable cause exists to believe that a minor charged with a prostitution-related activity pursuant to section . . . 18-7-202 [Soliciting for prostitution],¹² 18-7-204 [Keeping a place of prostitution],¹³ or 18-7-207 [Prostitute making display]¹⁴ or a prostitution-related offense pursuant to a county or municipal ordinance was a victim of human trafficking of a minor for involuntary servitude, pursuant to section 18-3-503 (2), or human trafficking of a minor for sexual servitude, pursuant to section 18-3-504 (2), at the time of the offense being charged, the minor is immune from criminal liability or juvenile delinquency proceedings for such charges.

While Colo. Rev. Stat. Ann. § 18-7-209 shields child sex trafficking victims from charges for certain prostitution-related activity, it does not prohibit criminalizing the child for sex trafficking or prostitution-related CSEC offenses committed as a result of their victimization. Victims charged with one or more of those crimes must rely on one of the following affirmative defense laws.

¹² Pursuant to Colo. Rev. Code Ann. § 18-7-202(1) (Soliciting for prostitution),

A person commits soliciting for prostitution if he:

- (a) Solicits another for the purpose of prostitution; or
- (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or
- (c) Directs another to a place knowing such direction is for the purpose of prostitution.

¹³ Pursuant to Colo. Rev. Code Ann. § 18-7-204 (Keeping a place of prostitution),

Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one or more of the following commits keeping a place of prostitution if he:

- (a) Knowingly grants or permits the use of such place for the purpose of prostitution; or
- (b) Permits the continued use of such place for the purpose of prostitution after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.

¹⁴ Pursuant to Colo. Rev. Code Ann. § 18-7-207 (Prostitute making display), “Any person who by word, gesture, or action endeavors to further the practice of prostitution in any public place or within public view commits a class 1 petty offense.”

First, Colo. Rev. Stat. Ann. § 18-1-713(1) (Victims of human trafficking of a minor for involuntary servitude or sexual servitude – Affirmative defenses) broadly provides an affirmative defense to any charge except class 1 felonies, stating,

Except as provided in section 18-7-209 [Immunity from prostitution-related offenses – Victims – Human trafficking of a minor for involuntary servitude – Human trafficking of a minor for sexual servitude], it is an affirmative defense to any charge, other than a class 1 felony, if the minor being charged proves, by a preponderance of the evidence, that he or she was, at the time of the offense:

- (a) A victim of human trafficking of a minor for involuntary servitude pursuant to section 18-3-503 or human trafficking of a minor for sexual servitude pursuant to section 18-3-504; and
- (b) Forced or coerced into engaging in the criminal act charged.

Second, Colo. Rev. Stat. Ann. § 18-3-504(2.5) (Human trafficking for sexual servitude – Human trafficking of a minor for sexual servitude) provides victims with an affirmative defense to trafficking charges, stating,

It is an affirmative defense to a charge pursuant to subsection (2) of this section if the person being charged can demonstrate by a preponderance of the evidence that, at the time of the offense, he or she was a victim of human trafficking for sexual servitude who was forced or coerced into engaging in the human trafficking of minors for sexual servitude pursuant to subsection (2) of this section.

- 2.7.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for sex trafficking and other commercial sexual exploitation offenses, including accomplice and co-conspirator liability. (See [Issue Brief 2.7](#).)

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

● PARTIALLY MET

Colorado law provides child sex trafficking victims with an affirmative defense to some, but not all, violent felonies committed as a result of their trafficking victimization. Specifically, Colo. Rev. Stat. Ann. § 18-1-713(1) (Victims of human trafficking of a minor for involuntary servitude or sexual servitude – Affirmative defenses) applies to any charge except a class 1 felony; it states,

Except as provided in section 18-7-209 [Immunity from prostitution-related offenses – Victims – Human trafficking of a minor for involuntary servitude – Human trafficking of a minor for sexual servitude], it is an affirmative defense to any charge, other than a class 1 felony, if the minor being charged proves, by a preponderance of the evidence, that he or she was, at the time of the offense:

- (a) A victim of human trafficking of a minor for involuntary servitude pursuant to section 18-3-503 or human trafficking of a minor for sexual servitude pursuant to section 18-3-504; and
- (b) Forced or coerced into engaging in the criminal act charged.

Colo. Rev. Stat. Ann. § 18-1.3-406(2)(a), (b) (Mandatory sentences for violent crimes – Definitions) defines “crime of violence” as follows:

- (a)
 - (I) “Crime of violence” means any of the crimes specified in subparagraph (II) of this paragraph (a) committed, conspired to be committed, or attempted to be committed by a person during which, or in the immediate flight therefrom, the person:
 - (A) Used, or possessed and threatened the use of, a deadly weapon; or
 - (B) Caused serious bodily injury or death to any other person except another participant.
 - (II) Subparagraph (I) of this paragraph (a) applies to the following crimes:
 - (A) Any crime against an at-risk adult or at-risk juvenile;

- (B) Murder;
 - (C) First or second degree assault;
 - (D) Kidnapping;
 - (E) A sexual offense pursuant to part 4 of article 3 of this title;
 - (F) Aggravated robbery;
 - (G) First degree arson;
 - (H) First degree burglary;
 - (I) Escape;
 - (J) Criminal extortion; or
 - (K) First or second degree unlawful termination of pregnancy.
- (b) (I) “Crime of violence” also means any unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim. For

purposes of this subparagraph (I), “unlawful sexual offense”¹⁵ shall have the same meaning as set forth in section 18-3-411 (1), and “bodily injury” shall have the same meaning as set forth in section 18-1-901 (3)(c).

(II) The provisions of subparagraph (I) of this paragraph (b) shall apply only to felony unlawful sexual offenses.

¹⁵ Colo. Rev. Stat. Ann. § 18-3-411(1) (Sex offenses against children – Limitation for commencing proceedings – Evidence – Statutory privilege – Definition) defines “unlawful sexual offense” to include sex trafficking, CSEC, and sexual offenses, stating,

As used in this section, “unlawful sexual offense” means enticement of a child, as described in section 18-3-305; sexual assault, as described in section 18-3-402, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the first degree, as described in section 18-3-402, as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the second degree, as described in section 18-3-403 (1)(a), (1)(b), (1)(c), (1)(d), (1)(g), or (1)(h), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age, or as described in section 18-3-403 (1)(e), as it existed prior to July 1, 2000, when the victim is less than fifteen years of age and the actor is at least four years older than the victim; unlawful sexual contact, as described in section 18-3-404 (1)(a), (1)(b), (1)(c), (1)(d), (1)(f), or (1)(g), when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault in the third degree, as described in section 18-3-404 (1)(a), (1)(b), (1)(c), (1)(d), (1)(f), or (1)(g), as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a child less than fifteen years of age; sexual assault on a child, as described in section 18-3-405; sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; aggravated incest, as described in section 18-6-302; human trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; indecent exposure, as described in section 18-7-302; soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-406; class 4 felony internet luring of a child, as described in section 18-3-306 (3); internet sexual exploitation of a child, as described in section 18-3-405.4; unlawful electronic sexual communication, as described in section 18-3-418; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

(c) As used in this section, “at-risk adult”¹⁶ has the same meaning as set forth in section 18-6.5-102 (2), and “at-risk juvenile”¹⁷ has the same meaning as set forth in section 18-6.5-102 (4).

Accordingly, Colo. Rev. Stat. Ann. § 18-1-713(1) provides child sex trafficking victims with an affirmative defense to any violent felony listed in Colo. Rev. Stat. Ann. § 18-1.3-406(2) except those designated as class 1 felonies.

2.8.1 Recommendation: Amend state law to provide child sex trafficking victims with an affirmative defense to any violent felony committed as a result of their trafficking victimization. (See [Issue Brief 2.8](#).)

Policy Goal 2.9 Juvenile court jurisdiction provides for a developmentally appropriate response.
● **PARTIALLY MET**

Colorado law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While juvenile court jurisdiction extends to all minors under 18 years of age, Colorado law does not establish a minimum age for jurisdictional purposes, permits direct file and transfers to adult criminal court for minors accused of certain offenses or those previously adjudicated or convicted in the adult criminal justice system, and fails to require courts to consider the impact of trauma or past victimization in making discretionary transfer determinations.

	Minimum Age of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Permits Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	10. ¹⁸	17.	Yes. Minors 16+ years old charged with certain felony offenses or who have a prior felony	Yes. Minors 12+ years old charged with certain offenses.	No.

¹⁶ Colo. Rev. Stat. Ann. § 18-6.5-102(2) (Definitions) defines “at-risk adult” as “any person who is seventy years of age or older or any person who is eighteen years of age or older and is a person with a disability as said term is defined in subsection (11) of this section.” Colo. Rev. Stat. Ann. § 18-6.5-102(11) defines “person with a disability” as follows:

- (a) Is impaired because of the loss of or permanent loss of use of a hand or foot or because of blindness or the permanent impairment of vision of both eyes to such a degree as to constitute virtual blindness;
- (b) Is unable to walk, see, hear, or speak;
- (c) Is unable to breathe without mechanical assistance;
- (d) Is a person with an intellectual and developmental disability . . . ;
- (e) Has a mental health disorder . . . ;
- (f) Is mentally impaired . . . ;
- (g) Is blind . . . ; or
- (h) Is receiving care and treatment for a developmental disability

¹⁷ Colo. Rev. Stat. Ann. § 18-6.5-102(4) defines “at-risk juvenile” as “any person who is under the age of eighteen years and is a person with a disability as said term is defined in subsection (11) of this section.” See *supra* note 16 for the definition of “person with a disability.”

¹⁸ However, Colo. Rev. Stat. Ann. § 19-3-304.4 (Pre-adolescent services task force – Duties – Report – Repeal) creates the Pre-adolescent Services Task Force to review service response through the juvenile justice system for purposes of working toward raising the minimum age for juvenile court jurisdiction to 13 years of age.

			adjudication or conviction.		
Relevant Statute(s)	Colo. Rev. Stat. Ann. § 19-2.5-103(1) (Jurisdiction)	Colo. Rev. Stat. Ann. § 19-2.5-103 (Jurisdiction)	Colo. Rev. Stat. Ann. § 19-2.5-801 (Direct filing)	Colo. Rev. Stat. Ann. § 19-2.5-802(1)(a) (Transfers)	Colo. Rev. Stat. Ann. § 19-2.5-802(4)(b) (Transfers)

Consequently, some minors may still be subjected to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with domestic standards; (2) allow some juvenile cases to be automatically transferred to criminal court; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Statutorily require age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct. (See [Issue Brief 2.9](#).)

Policy Goal 2.10 State law defines child abuse to include child sex trafficking to ensure access to child welfare services.

● FULLY MET

Colorado law defines “abuse” and “child abuse or neglect” to include child sex trafficking. Pursuant to Colo. Rev. Stat. Ann. § 19-1-103(1)(a)(VIII) (Definitions),

“Abuse” or “child abuse or neglect”, as used in part 3 of article 3 of this title 19, means an act or omission in one of the following categories that threatens the health or welfare of a child:

.....

(VIII) Any case in which a child is subjected to human trafficking of a minor for involuntary servitude, as described in section 18-3-503 [Human trafficking for involuntary servitude] or human trafficking of a minor for sexual servitude, as described in section 18-3-504 (2) [Human trafficking for sexual servitude].

EXTRA CREDIT



Child labor trafficking is included in the definitions of “abuse” and “child abuse or neglect” under Colo. Rev. Stat. Ann. § 19-1-103(1)(a)(VIII), which expressly includes victims of Colo. Rev. Stat. Ann. § 18-3-503 (Human trafficking for involuntary servitude – Human trafficking of a minor for involuntary servitude).

Policy Goal 2.11 State law allows for child welfare involvement in sex trafficking cases that do not involve caregiver fault and provides for an alternative, specialized response in those cases.

● FULLY MET

Colorado’s Children’s Code allows for a child welfare response to non-caregiver child sex trafficking cases and provides for a specialized response in those cases. Pursuant to Colo. Rev. Stat. Ann. § 19-3-308(4)(c) (Action upon report of intrafamilial, institutional, or third-party abuse – Investigations – Child protection team – Rules – Report),

Upon the receipt of a report, if the county department assessment concludes that a child has been a victim of intrafamilial, institutional, or third-party abuse or neglect in which he or she has been subjected to human trafficking of a minor for sexual servitude, as described in section 18-3-504, or commercial sexual exploitation of a child, it shall, when necessary and appropriate, immediately offer social services to the child who is the subject of the report and to his or her family, and it may file a petition in the juvenile court or the district court with juvenile jurisdiction on behalf of such child. If, at any time after the commencement of an investigation, the county department has reasonable cause to suspect that the child or any other child under the same care is a victim of human trafficking, the county department shall notify the local law enforcement agency as soon as it is reasonably practicable to do so. If immediate removal is necessary to protect the child or other children under the same care from further abuse, the child or children may be placed in protective custody in accordance with sections 19-3-401 (1)(a) and 19-3-405. In instances of third-party abuse or neglect as it relates to human trafficking, a county department of human or social services may, but is not required to, interview the person alleged to be responsible for the abuse or neglect or prepare an investigative report pursuant to subsection (5.3)(a) of this section. If a county department elects to interview the third-party individual, it shall first confer with its local law enforcement agency.



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

❶ PARTIALLY MET

Although services may be available through a local collaborative management program, establishment of the program is discretionary, and services are not required to be specialized to the unique needs of child sex trafficking victims. Pursuant to Colo. Rev. Stat. Ann. § 24-1.9-102(1)(a), (a.5)¹⁹ (Memorandum of understanding – Local-level interagency oversight groups – Individualized service and support teams – Coordination of services for children and families – Requirements – Waiver),

(a) Local representatives of each of the agencies specified in this subsection (1)(a) and county departments of human or social services may enter into memorandums of understanding that are designed to promote a collaborative system of local-level interagency oversight groups and individualized service and support teams to coordinate and manage the provision of services to children and families who would benefit from integrated multi-agency services. The memorandums of understanding entered into pursuant to this subsection (1) must be between interested county departments of human or social services and local representatives of each of the following agencies or entities:

- (I) The local judicial districts, including probation services;
- (II) The health department, whether a county or district public health agency;
- (III) The local school district or school districts;
- (IV) Each comprehensive behavioral health safety net provider;
- (V) Each behavioral health administrative services organization;
- (VI) The division of youth services;
- (VII) A designated managed service organization for the provision of treatment services for alcohol and drug abuse pursuant to section 27-80-107, C.R.S.; and
- (VIII) A domestic violence program as defined in section 26-7.5-102, if representation from such a program is available.

(a.5) In addition to the parties specified in subsection (1)(a) of this section, the memorandums of understanding entered into pursuant to this subsection (1) may include family resource centers created pursuant to part 1 of article 3 of title 26.5.

Upon establishment of a local collaborative management program, Colo. Rev. Stat. Ann. § 24-1.9-102.3²⁰ (Duties of individualized service and support teams) provides,

(1) A local collaborative management program, as described in section 24-1.9-102, must create one or more individualized service and support teams. An individualized service and support team may refer a child to services and may establish a service and support plan for a child after meeting with the child, the child's family, and any other relevant party or community partners.

¹⁹ The text of Colo. Rev. Stat. Ann. § 24-1.9-102 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 23-1249 during the 2023 Regular Session of the Colorado state legislature (effective August 10, 2023).

²⁰ The text of Colo. Rev. Stat. Ann. § 24-1.9-102.3 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 23-1249 during the 2023 Regular Session of the Colorado state legislature (effective August 10, 2023).

(2) The information form for children created in section 24-1.9-102.7 [Technical assistance],²¹ or any other form created by the local collaborative management program, may be used by multiple agencies to refer a child to a local collaborative management program in accordance with the local collaborative management program in accordance with the local collaborative management program’s memorandum of understanding. Such agencies include, but are not limited to:

- (a) Law enforcement;
- (b) A district attorney;
- (c) A school;
- (d) A family resource center;
- (e) A child advocacy center; and
- (f) A county department of human or social services.

3.1.1 Recommendation: Strengthen existing law to mandate a statewide process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems. (See *Issue Brief 3.1.*)

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

● PARTIALLY MET

Although child sex trafficking victims could receive a multi-disciplinary team (“MDT”) response through a local collaborative management program, establishment of the program is discretionary, and the response is not specialized to child sex trafficking cases. Pursuant to Colo. Rev. Stat. Ann. § 24-1.9-102(1)(a), (a.5)²² (Memorandum of understanding – Local-level interagency oversight groups – Individualized service and support teams – Coordination of services for children and families – Requirements – Waiver),

(a) Local representatives of each of the agencies specified in this subsection (1)(a) and county departments of human or social services may enter into memorandums of understanding that are designed to promote a collaborative system of local-level interagency oversight groups and individualized service and support teams to coordinate and manage the provision of services to children and families who would benefit from integrated multi-agency services. The memorandums of understanding entered into pursuant to this subsection (1) must be between interested county departments of human or social services and local representatives of each of the following agencies or entities:

- (I) The local judicial districts, including probation services;
- (II) The health department, whether a county or district public health agency;
- (III) The local school district or school districts;
- (IV) Each comprehensive behavioral health safety net provider;
- (V) Each behavioral health administrative services organization;
- (VI) The division of youth services;
- (VII) A designated managed service organization for the provision of treatment services for alcohol and drug abuse pursuant to section 27-80-107, C.R.S.; and
- (VIII) A domestic violence program as defined in section 26-7.5-102, if representation from such a program is available.

²¹ Pursuant to Colo. Rev. Stat. Ann. § 24-1.9-102.7(2) (Technical Assistance), “On or before December 1, 2023, the department of human services shall create a model information form for children for a party to use to refer a child to a local collaborative management program for assessment and services.” The text of Colo. Rev. Stat. Ann. § 24-1.9-102.7 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 23-1249 during the 2023 Regular Session of the Colorado state legislature (effective August 10, 2023).

²² See *supra* note 19.

(a.5) In addition to the parties specified in subsection (1)(a) of this section, the memorandums of understanding entered into pursuant to this subsection (1) may include family resource centers created pursuant to part 1 of article 3 of title 26.5.

Upon establishment of a local collaborative management program, Colo. Rev. Stat. Ann. § 24-1.9-102.3²³ (Duties of individualized service and support teams) provides,

(1) A local collaborative management program, as described in section 24-1.9-102, must create one or more individualized service and support teams. An individualized service and support team may refer a child to services and may establish a service and support plan for a child after meeting with the child, the child's family, and any other relevant party or community partners.

(2) The information form for children created in section 24-1.9-102.7 [Technical assistance],²⁴ or any other form created by the local collaborative management program, may be used by multiple agencies to refer a child to a local collaborative management program in accordance with the local collaborative management program in accordance with the local collaborative management program's memorandum of understanding. Such agencies include, but are not limited to:

- (a) Law enforcement;
- (b) A district attorney;
- (c) A school;
- (d) A family resource center;
- (e) A child advocacy center; and
- (f) A county department of human or social services.

3.2.1 Recommendation: Strengthen existing law to require a statewide multi-disciplinary team response specific to child sex trafficking victims. (See [Issue Brief 3.2](#).)

INSIGHTS FROM THE FIELD



“Although Colorado does not have state law mandating the use of a multi-disciplinary team (MDT) response, in practice Colorado has several MDTs operating across the state. In addition, the Colorado Human Trafficking Council housed in the Department of Public Safety has secured a three-year grant to develop a state-wide approach for MDT response to child/youth trafficking and is developing an MDT Toolkit and skill-based training to expand the number of MDTs operating in the state.”

-*Maria A. Trujillo, Human Trafficking Program Manager
Colorado Human Trafficking Council, Colorado Department of Public Safety*

²³See *supra* note 20.

²⁴ Pursuant to Colo. Rev. Stat. Ann. § 24-1.9-102.7(2) (Technical Assistance), “On or before December 1, 2023, the department of human services shall create a model information form for children for a party to use to refer a child to a local collaborative management program for assessment and services.” See *supra* note 21.

Policy Goal 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

● **PARTIALLY MET**

Although Colorado law requires child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims, the response is triggered upon receipt of a report alleging trafficking victimization, potentially leaving children who are already system-involved and later disclose or experience commercial sexual exploitation without access to those specialized services if a formal report is not generated. Pursuant to Colo. Rev. Stat. Ann. § 19-3-308(4)(c) (Action upon report of intrafamilial, institutional, or third-party abuse – Investigations – Child protection team – Rules),

Upon the receipt of a report, if the county department assessment concludes that a child has been a victim of intrafamilial, institutional, or third-party²⁵ abuse or neglect in which he or she has been subjected to human trafficking of a minor for sexual servitude, as described in section 18-3-504, or commercial sexual exploitation of a child,²⁶ it shall, when necessary and appropriate, immediately offer social services to the child who is the subject of the report and to his or her family, and it may file a petition in the juvenile court or the district court with juvenile jurisdiction on behalf of such child

In addition to the response outlined above, foster care prevention services may also be available in familial trafficking cases under Colo. Rev. Stat. Ann. § 19-3-308(13), which states,

Upon the receipt of a report of intrafamilial abuse or neglect or human trafficking, or a report that a family may be eligible for foster care prevention services,²⁷ as defined in section 26-5.4-102(1) [Definitions], the county department may provide foster care prevention services for a child and the parents or kin caregivers of the child when the needs of the child are directly related to the safety, permanent placement, or well-being of the child or to prevent the child from entering the foster care system.

- 3.3.1 Recommendation: Strengthen existing law by requiring child welfare to provide access to specialized services for all child sex trafficking victims without hinging access on whether or not a formal report has been filed. (See [Issue Brief 3.3](#).)

Policy Goal 3.4 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

○ **NOT MET**

Colorado law does not provide access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

²⁵ Colo. Rev. Stat. Ann. § 19-1-103(140) (Definitions) defines “third-party abuse” as “a case in which a child is subjected to abuse, as defined in subsection (1) of this section, by any person who is not a parent; stepparent; guardian; legal custodian; spousal equivalent, as defined in subsection (130) of this section, or any other person not included in the definition of ‘intrafamilial abuse’, as defined in subsection (87) of this section.”

²⁶ Colo. Rev. Stat. Ann. § 19-1-103(28) (Definitions) defines “[c]ommercial sexual exploitation of a child” as “a crime of a sexual nature committed against a child for financial or other economic reasons.”

²⁷ Colo. Rev. Stat. Ann. § 26-5.4-102(1) (Definitions) defines “foster care prevention services” as follows:

mental health and substance prevention and treatment services, in-home parent skill-based programs, kinship navigator programs, and other programs eligible for reimbursement under the federal “Family First Prevention Services Act” that are trauma-informed, promising, supported or well-supported, and provided to prevent foster care placement.

- 3.4.1 Recommendation: Statutorily require the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth. (*See Issue Brief 3.4.*)

Policy Goal 3.5 State law extends foster care services to older foster youth.

● FULLY MET

Colorado law extends foster care services to youth under 23 years of age under the Foster Youth Successful Transition to Adulthood Grant Program. Colo. Rev. Stat. Ann. § 19-7-314(1), (2)²⁸ (Foster youth successful transition to adulthood grant program – Creation — Standards – Application –Fund –Advisory board – Duties) provides,

- (1)
- (a) The foster youth successful transition to adulthood grant program is created within the state department. The purpose of the grant program is to create and administer programs that support eligible youth in making a successful transition to adulthood and provide case management services for voucher recipients as described in section 19-7-314.5 [Colorado fostering success voucher program – Established – Eligibility – Administration – Availability, standards, and services].²⁹

²⁸ The text of Colo. Rev. Stat. Ann. § 19-7-314 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 23-082 during the 2023 Regular Session of the Colorado state legislature (effective June 5, 2023).

²⁹ Pursuant to Colo. Rev. Stat. Ann. § 19-7-314.5 (Colorado fostering success voucher program – Established – Eligibility – Administration – Availability, standards, and services),

- (1) The Colorado fostering success voucher program is established in the state department. The purpose of the voucher program is to provide vouchers to voucher recipients and provide developmentally appropriate case management for voucher recipients who are eligible for the voucher program.
- (2)
- (a) To be eligible to provide services through the voucher program, a case management agency must:
- (I) Be a current recipient of a grant from the foster youth successful transition to adulthood grant program created in section 19-7-314; or
- (II) Be currently operating a program through funding received pursuant to the federal “John H. Chafee Foster Care Program for Successful Transition to Adulthood”, 42 U.S.C. 677(a).
- (b) To be eligible for services through the voucher program, a voucher recipient must:
- (I) Be at least eighteen years of age or older but less than twenty-six years of age;
- (II) Have prior foster care or kinship care involvement in at least one of the following ways:
- (A) Have been in foster care, as defined in section 19-1-103, on or after the youth’s fourteenth birthday;
- (B) Have been in noncertified kinship care, as defined in section 19-1-103, on or after the youth’s fourteenth birthday and have been adjudicated dependent and neglected pursuant to article 3 of this title 19; or
- (C) Have turned eighteen years of age when the youth was a named child or youth in a dependency and neglect case pursuant to article 3 of this title 19;
- (III) Be currently experiencing homelessness or be at imminent risk of homelessness and have voluntarily agreed to participate in services offered and provided by a case management agency;
- (IV) Reside in Colorado; and
- (V) Have income that does not exceed a level determined by the state department of local affairs policies and procedures pursuant to subsection (3) of this section.
-
- (4) Availability, standards, and services for the Colorado fostering success voucher program include, but are not limited to, the following requirements:

- (b) The state department shall ensure that services are available to eligible youth throughout Colorado and, in order to do so, administer a merit-based application process to select service providers
- (c) Youth who meet the following criteria are eligible for services from a program that has received a grant from the grant program:
 - (I) The youth is eighteen years of age or older but less than twenty-three years of age, or the upper age limit established in the federal “Social Security Act”, 42 U.S.C. sec. 677 (a), whichever is greater;
 - (II) The youth was in foster care or adjudicated dependent and neglected on or after the youth’s fourteenth birthday; and
 - (III) The youth voluntarily agrees to participate in the program that is receiving a grant from the grant program.
- (2) There is created in the state treasury the Colorado foster youth successful transition to adulthood grant program fund, referred to in this section as the “fund”. The fund consists of any money that the general assembly may appropriate to the fund. Money in the fund is subject to annual appropriation by the general assembly to the state department for the purpose of providing grants pursuant to this section and for the direct and indirect costs associated with the implementation of this section

Further, foster care youth under 21 years of age may have access to additional services. Colo. Rev. Stat. Ann. § 26-5-113 (Extended services for former foster care youth) sets out a range of services that former foster care youth can request to support them in becoming self-sufficient adults.³⁰ Colo. Rev. Stat. Ann. § 26-5-101(4.7) (Definitions) defines “former foster care youth” as follows:

-
- (a) A voucher may be used at a dwelling that meets housing quality standards policies and procedures established by the state department of local affairs;
 - (b) The amount of financial assistance for each voucher must align with standards established by the state department of local affairs but may be increased on an individual basis if housing is not available in the county served by the case management agency that meets the cost standards
 - (c) A youth who receives a voucher is required to contribute to the cost of housing, but that amount must not be more than thirty percent of the youth’s income;
 - (d) A youth who receives a voucher is required to participate in case management services provided by the case management agency;
 - (e) A case management agency shall make case management available, as funding permits, to youth receiving federal housing choice vouchers and who are otherwise eligible for a voucher;
 - (f) A case management agency shall meet the minimum case management standards established by the state department of human services;
 - (g) A youth with prior adjudications in the juvenile court is eligible for a voucher; and
 - (h) A case management agency shall make reasonable efforts to engage a youth in case management activities and to support the youth in coming into compliance with voucher requirements prior to terminating the voucher or case management services.

The text of Colo. Rev. Stat. Ann. § 19-7-314.5 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 23-082 during the 2023 Regular Session of the Colorado state legislature (effective June 5, 2023).

³⁰ Colo. Rev. Stat. Ann. § 26-5-113 (Extended services for former foster care youth) provides,

- (1) A county department may coordinate certain services to former foster care youth who request such services in order to support such former foster care youth in becoming self-sufficient adults. This section is not meant to replace services for foster care youth who remain in the custody of a county department. The determination of whether a youth who is in foster care is ready to leave the custody of the county department remains under the jurisdiction of the court.
- (2) A county department may opt to serve former foster care youth who have been in the custody of the division of youth services if such youth are included in the plan for services for a successful adulthood.

[A] youth at least eighteen years of age but younger than twenty-one years of age who was formerly in the legal custody or legal authority of a county department and who was placed in a certified or noncertified kinship care placement, as defined in section 26-6-903 [Definitions]; a certified or licensed facility; or a foster care home, as defined in section 26-6-903 and certified pursuant to part 9 of article 6 of this title 26.

In addition, Colo. Rev. Stat. Ann. § 19-7-303 establishes the Foster Youth in Transition Program “to provide extended child welfare services to eligible youth eighteen years of age or older but less than twenty-one years of age, or such greater age of foster care eligibility as required by federal law.” Colo. Rev. Stat. Ann. § 19-7-303 further states that “[e]ach county department shall make the transition program available to eligible youth on a voluntary basis” and that “[t]he child welfare services provided through the transition program must be client-directed and developmentally appropriate”³¹

(3) The department of local affairs may assist a county department in securing available housing vouchers through programs offered by the department of local affairs, such as the homeless solutions program, the housing choice voucher program, or any other appropriate supportive housing program for former foster care youth, specifically between the ages of eighteen and twenty-one, who are experiencing homelessness or imminent risk of homelessness. If appropriations are available, the department of local affairs may assist former foster care youth with security deposits related to housing.

(4) The managed care entity contracted with for the department of health care policy and financing's statewide managed care system shall assist a county department that opts to serve former foster care youth who are enrolled in medicaid.

(5) State institutions of higher education and community colleges shall work with the county departments to explore ways to support former foster care youth both financially and through other supportive services. This support includes reviewing the ability to provide tuition assistance and other fee waivers to former foster care youth.

(6) A county department may support former foster care youth pursuant to this section by developing a plan for services for a successful adulthood and transferring an amount of money out of the county's core services funding and into a fund for services for a successful adulthood.

³¹ Under Colo. Rev. Stat. Ann. § 19-7-305(1) (Available services and supports), the following services and supports must be offered:

(a) Assistance with enrolling in the appropriate category of medicaid for which the participating youth is eligible;

(b) Assistance with securing safe, affordable, and stable housing

(c) Case management services, including the development of a case plan with a roadmap to success for the participating youth, as well as assistance in the following areas, as appropriate, and with the agreement of the participating youth:

(I) Provision of resources to assist the participating youth in the transition to adulthood;

(II) Obtaining employment or other financial support and enhancing financial literacy;

(III) Obtaining a driver's license or other government-issued identification card;

(IV) Obtaining appropriate community resources and public benefits;

(V) Upon request, and if services are available, referral to services satisfying any juvenile or criminal justice system requirements and assisting with expunging the participating youth's court records, as appropriate, pursuant to section 19-1-306 [Expungement of juvenile delinquent records – Definition];

(VI) Pursuing educational goals and applying for financial aid, if necessary;

(VII) Upon request, and if services are available, referral to services for obtaining the necessary state court findings and applying for special immigrant juvenile status pursuant to federal law, as applicable, or applying for other immigration relief for which the participating youth may be qualified;

(VIII) Obtaining copies of health and education records;

(IX) Maintaining and building relationships with individuals who are important to the participating youth, including searching for individuals with whom the participating youth has lost contact; and

(X) Accessing information about maternal and paternal relatives, including any siblings.

Pursuant to Colo. Rev. Stat. Ann. § 19-7-304(1), (2) (Eligibility and enrollment), youth will be eligible to participate in the Foster Youth Transition Program as follows:

- (1) An eligible youth is an individual who:
 - (a) Is at least eighteen years of age or older, but less than twenty-one years of age, or such greater age of foster care eligibility as required by federal law;
 - (b) Has a current dependency and neglect case or recent prior foster care or kinship care involvement in at least one of the following ways:
 - (I) The youth was in foster care, as defined in section 19-1-103 [Definitions], on or after the youth's sixteenth birthday;
 - (II) The youth was in noncertified kinship care, as defined in section 19-1-103, on or after the youth's sixteenth birthday and was adjudicated dependent and neglected pursuant to article 3 of this title 19; or
 - (III) The youth turned eighteen years of age when the youth was a named child or youth in a dependency and neglect case open though article 3 of this title 19.
 - (c)
 - (I) Except as provided in subsection (1)(c)(II) of this section, or except as such requirements may be waived by federal law, is engaged in, or intends to engage in, at least one of the following:
 - (A) Completing secondary education or an educational program leading to an equivalent credential;
 - (B) Attending an institution that provides postsecondary or vocational education;
 - (C) Working part- or full-time for at least eighty hours per month; or
 - (D) Participating in a program or activity designed to promote employment or remove barriers to employment.
 - (II) The requirement described in subsection (1)(c)(I) of this section does not apply to a youth who is incapable of engaging in any of the activities described in subsection (1)(c)(I) of this section as a result of a medical condition that is supported by regularly updated documentation in the youth's case plan; and
 - (d) Seeks to enter into or has entered into and is substantially fulfilling the youth's obligations pursuant to a voluntary services agreement with the appropriate county department.
- (2) An individual who is no longer under the jurisdiction of the juvenile court and believes he or she may be an eligible youth may request to participate in the transition program by making a request to the county department where the youth self-attests that the youth resides

Further, Colo. Rev. Stat. Ann. § 19-7-309.5(2)(b) (Initial hearing) ensures that youth may re-enter services, stating, "If the youth chooses to leave the transition program but later decides support is needed, the youth has the right to begin receiving child welfare services again through the transition program"

INSIGHTS FROM THE FIELD



"Colorado has expanded their transitional youth services to age 21. Colorado's Chafee independent living program has increased the age eligibility for services to 24. <https://cdhs.colorado.gov/colorado-chafee-program>"

*-Maria A. Trujillo, Human Trafficking Program Manager
Colorado Human Trafficking Council, Colorado Department of Public Safety*

Policy Goal 3.6

State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

○ NOT MET

The Colorado state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.6.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking. (See [Issue Brief 3.6.](#))

INSIGHTS FROM THE FIELD



“State funding is appropriated through the Colorado Departments of Human Services and Public Safety where funds could be accessed by organizations that provide specialized services for children who experienced sex trafficking. A number of anti-human trafficking service providers operating in Colorado have also been successful in obtaining federal grants for specialized, community-based service provision for human trafficking survivors.”

*-Maria A. Trujillo, Human Trafficking Program Manager
Colorado Human Trafficking Council, Colorado Department of Public Safety*



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection. ● FULLY MET

Colorado law allows trafficking victims to seek ex parte civil orders of protection against their exploiters. Pursuant to Colo. Rev. Stat. Ann. § 13-14-103(1)(c) (Emergency protection orders),

In cases involving a minor child, the juvenile court and the district court have the authority to issue emergency protection orders³² to prevent an unlawful sexual offense, as defined in section 18-3-411 (1), . . . when requested by the local law enforcement agency, the county department of human or social services, or a responsible person who asserts, in a verified petition supported by affidavit, that there are reasonable grounds to believe that a minor child is in danger in the reasonably foreseeable future of being the victim of an unlawful sexual offense . . . based upon an allegation of a recent actual unlawful sexual offense . . . or threat of the same

Colo. Rev. Stat. Ann. § 18-3-411(1) (Sex offenses against children – Limitation for commencing proceedings – Evidence – Statutory privilege – Definition) defines “unlawful sexual offense” to include the following offenses:

[H]uman trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; . . . soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-406; class 4 felony internet luring of a child, as described in section 18-3-306 (3); internet sexual exploitation of a child, as described in section 18-3-405.4; unlawful electronic sexual communication, as described in section 18-3-418; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

³² Pursuant to Colo. Rev. Stat. Ann. § 13-14-103(1)(b),

An emergency protection order issued pursuant to this subsection (1) may include:

- (I) Restraining a party from contacting, harassing, injuring, intimidating, threatening, molesting, touching, stalking, sexually assaulting or abusing any other party, a minor child of either of the parties, or a minor child who is in danger in the reasonably foreseeable future of being a victim of an unlawful sexual offense or domestic abuse;
- (II) Excluding a party from the family home or from the home of another party upon a showing that physical or emotional harm would otherwise result;
- (III) Awarding temporary care and control of any minor child of a party involved;
- (IV) Enjoining an individual from contacting a minor child at school, at work, or wherever he or she may be found;
- (V) Restraining a party from molesting, injuring, killing, taking, transferring, encumbering, concealing, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult; or
- (VI) Specifying arrangements for possession and care of an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult.

Accordingly, civil orders of protection are available to victims of child sex trafficking. Further, Colo. Rev. Stat. Ann. § 13-14-104.5(4), (7)(a) (Procedure for temporary civil protection order) allows those orders to be granted on an ex parte basis, stating,

(4) A motion for a temporary civil protection order shall be set for hearing at the earliest possible time, which hearing may be ex parte, and shall take precedence over all matters, except those matters of the same character that have been on the court docket for a longer period of time. The court shall hear all such motions as expeditiously as possible.

....
(7)

(a) A temporary civil protection order may be issued if the issuing judge or magistrate finds that an imminent danger exists to the person or persons seeking protection under the civil protection order. In determining whether an imminent danger exists to the life or health of one or more persons, the court shall consider all relevant evidence concerning the safety and protection of the persons seeking the protection order. The court shall not deny a petitioner the relief requested because of the length of time between an act of abuse or threat of harm and the filing of the petition for a protection order

Policy Goal 4.2 Ineligibility factors for crime victims’ compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

1 PARTIALLY MET

Although Colorado’s crime victims’ compensation laws define “victim” broadly enough to include victims of child sex trafficking and CSEC, ineligibility factors may prevent a commercially sexually exploited child from accessing an award.

For purposes of accessing crime victims’ compensation, Colo. Rev. Stat. Ann. § 24-4.1-102(10)(a) (Definitions) defines “victim” as follows:

[A]ny of the following persons who suffer property damage, economic loss, injury, or death as a result of a compensable crime³³ perpetrated or attempted in whole or in part in this state:

- (I) Any person against whom a compensable crime is perpetrated or attempted. Such person shall be referred to as a “primary victim”.
- (II) Any person who attempts to assist or assists a primary victim;
- (III) Any person who is a relative of a primary victim.

However, certain ineligibility factors may still limit a commercially sexually exploited child’s ability to seek crime victims’ compensation. Pursuant to Colo. Rev. Stat. Ann. § 24-4.1-108(1)(b), (f) (Awarding compensation), to receive an award, a victim must have reported the crime to law enforcement within 72 hours of the crime’s commission and file a claim for compensation within 1 year of the crime unless the board finds good cause for failure to do so. Further, Colo. Rev. Stat. Ann. § 24-4.1-108(1)(c) requires the victim to have “cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant [unless] the board has found good

³³ Colo. Rev. Stat. Ann. § 24-4.1-102(4)(a)(I) defines “compensable crime” to include the following:

An intentional, knowing, reckless, or criminally negligent act of a person . . . that results in residential property damage to or bodily injury or death of another person or results in loss of or damage to eyeglasses, dentures, hearing aids, or other prosthetic or medically necessary devices and which, if committed by a person of full legal capacity, is punishable as a crime in this state

Colo. Rev. Stat. Ann. § 24-4.1-102(8) defines “injury” as “impairment of a person’s physical or mental condition and includes pregnancy.”

cause exists for the failure to cooperate.” Lastly, Colo. Rev. Stat. Ann. § 24-4.1-108(1)(e) requires that “[t]he death of or injury to the victim was not substantially attributable to [the victim’s] wrongful act or substantial provocation of his assailant.”

Despite these ineligibility factors, Colo. Rev. Stat. Ann. § 24-4.1-108(2) authorizes the board to waive any of the requirements for compensation if justice so requires. Because child sex trafficking and CSEC victims are not expressly exempt from the ineligibility factors noted above, however, some commercially sexually exploited children may not have access to an award.

- 4.2.1 Recommendation: Amend state law to exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims’ compensation. (See [Issue Brief 4.2](#).)

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

○ NOT MET

Colorado law does not allow sex trafficked children and youth to vacate delinquency adjudications or criminal convictions for offenses arising from trafficking victimization.

- 4.3.1 Recommendation: Amend state law to allow sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization. (See [Issue Brief 4.3](#).)

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

● FULLY MET

Colorado law requires an offender convicted of a child sex trafficking or CSEC offense to pay restitution. Pursuant to Colo. Rev. Stat. Ann. § 18-1.3-603(1) (Assessment of restitution – Corrective orders),

Every order of conviction of a felony, misdemeanor, petty offense, or traffic misdemeanor offense, except any order of conviction for a state traffic misdemeanor offense issued by a municipal or county court in which the prosecuting attorney is acting as a special deputy district attorney pursuant to an agreement with the district attorney’s office, shall include consideration of restitution.³⁴ Each such order shall include one or more of the following:

- (a) An order of a specific amount of restitution be paid by the defendant;
- (b) An order that the defendant is obligated to pay restitution, but that the specific amount of restitution shall be determined within the ninety-one days immediately following the order of conviction, unless good cause is shown for extending the time period by which the restitution amount shall be determined;

³⁴ Colo. Rev. Stat. Ann. § 18-1.3-602(3)(a) (Definitions) defines “restitution” as follows:

[A]ny pecuniary loss suffered by a victim and includes but is not limited to all out-of-pocket expenses, interest, loss of use of money, anticipated future expenses, rewards paid by victims, money advanced by law enforcement agencies, money advanced by a governmental agency for a service animal, adjustment expenses, and other losses or injuries proximately caused by an offender’s conduct and that can be reasonably calculated and recompensed in money. “Restitution” does not include damages for physical or mental pain and suffering, loss of consortium, loss of enjoyment of life, loss of future earnings, or punitive damages.

- (c) An order, in addition to or in place of a specific amount of restitution, that the defendant pay restitution covering the actual costs of specific future treatment of any victim of the crime; or
- (d) Contain a specific finding that no victim of the crime suffered a pecuniary loss and therefore no order for the payment of restitution is being entered.

Colo. Rev. Stat. Ann. § 18-1.3-602(4)(a) (Definitions) defines victim to “any person aggrieved by the conduct of an offender” but excludes those who are “accountable for . . . a crime arising from the same conduct, criminal episode, or plan” Importantly, Colo. Rev. Stat. Ann. § 18-1.3-602(4)(e) removes this limitation in trafficking cases, stating,

Notwithstanding any other provision of this section, “victim” includes a person less than eighteen years of age who has been trafficked by an offender, as described in section 18-3-503 [Human trafficking for involuntary servitude – Human trafficking of a minor for involuntary servitude] or 18-3-504 [Human trafficking for sexual servitude – Human trafficking of a minor for sexual servitude.

Further, Colo. Rev. Stat. Ann. § 18-1.3-603(9) provides, “For a conviction for human trafficking for involuntary servitude, as described in section 18-3-503, or for human trafficking for sexual servitude, as described in section 18-3-504, the court shall order restitution, if appropriate, pursuant to this section even if the victim is unavailable to accept payment of restitution.”

Under Colo. Rev. Stat. Ann. § 16-18.5-109(1), (2) (Declined or unclaimed restitution), even if the victim initially declines restitution or cannot be located when an order for restitution is entered, the victim can receive restitution within 2 years of the final determination of the case.

In addition to the protections noted above, Colo. Rev. Stat. Ann. § 18-3-414(1) (Payment of treatment costs for the victim or victims of a sexual offense against a child) states that, when the victim is under 15 years of age, the offender convicted of an unlawful sexual offense³⁵ may be required to pay for all or part of the victim’s treatment.

³⁵ Colo. Rev. Stat. Ann. § 18-3-411 (Sex offenses against children – Limitation for commencing proceedings – Evidence – Statutory privilege – Definition) defines “unlawful sexual offense” to include the following:

[H]uman trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; . . . soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-406; class 4 felony internet luring of a child, as described in section 18-3-306 (3); internet sexual exploitation of a child, as described in section 18-3-405.4; unlawful electronic sexual communication, as described in section 18-3-418; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

EXTRA CREDIT



Colorado law mandates restitution for victims of child labor trafficking under Colo. Rev. Stat. Ann. § 18-1.3-603, which requires offenders convicted of any felony, including a violation of Colo. Rev. Stat. Ann. § 18-3-503 (Human trafficking for involuntary servitude – Human trafficking of a minor for involuntary servitude) to pay victim restitution.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

● FULLY MET

Colorado law allows victims of child sex trafficking to pursue civil remedies against their exploiters. Colo. Rev. Stat. Ann. § 13-21-127 (Civil damages for human trafficking and voluntary servitude) states,

- (1) In addition to all other remedies, a victim, as defined in section 18-3-502 (12), C.R.S., is entitled to recover damages proximately caused by any person who commits human trafficking for involuntary servitude, as described in section 18-3-503, C.R.S., or human trafficking for sexual servitude, as described in section 18-3-504, C.R.S.
- (2) A conviction for human trafficking for involuntary servitude, as described in section 18-3-503, C.R.S., or human trafficking for sexual servitude, as described in section 18-3-504, C.R.S., is not a condition precedent to maintaining a civil action pursuant to the provisions of this section.

Further, Colo. Rev. Stat. Ann. § 13-20-1202 (Civil cause of action for sexual misconduct against a minor – Exceptions) provides,

- (1) A person who is a victim of sexual misconduct³⁶ that occurred when the victim was a minor may bring a civil action for damages against:
 - (a) An actor who committed the sexual misconduct; and
 - (b) A managing organization that knew or should have known that an actor or youth-related activity or program posed a risk of sexual misconduct against a minor and the sexual misconduct occurred while

³⁶ Colo. Rev. Stat. Ann. § 13-20-1201(8) (Definitions) defines “sexual misconduct” as follows:

[A]ny conduct that is engaged in for the purpose of the sexual arousal, gratification, or abuse of any person, and that constitutes any of the following:

- (a) A first degree misdemeanor or a felony offense described in part 3 [Kidnapping] or 4 [Unlawful sexual behavior] of article 3 of title 18 or a felony offense described in article 6 [Offenses involving the family relations] or 7 [Offenses relating to morals] of title 18;
- (b) Human trafficking for sexual servitude, as described in section 18-3-504;
- (c) A federal sex offense as defined in the federal “Sex Offender Registration and Notification Act”, 34 U.S.C. sec. 20911 (5)(A)(iii);
- (d) Obscene visual representations of the sexual abuse of children, as described in 18 U.S.C. sec. 1466A;
- (e) Transfer of obscene material to minors, as described in 18 U.S.C. sec. 1470; or
- (f) Attempt or conspiracy to commit sex trafficking of children or by force, fraud, or coercion, as described in 18 U.S.C. sec. 1594.

the victim was participating in the youth-related activity or program operated or managed by the organization.

(2) The civil action described in this section is in addition to, and does not limit or affect, other actions available by statute or common law, before or after January 1, 2022, and must be pleaded as a separate claim for relief if a complaint also asserts a common law claim for relief.

Notably, for actions filed under Colo. Rev. Stat. Ann. § 13-20-1202, Colo. Rev. Stat. Ann. § 13-20-1205(1) (No contributory negligence – Interest on damages – Limitation on damages) states that “a court or jury shall not allocate any damages awarded in an action brought pursuant to this part 12 in any proportion against a victim of sexual misconduct.”

EXTRA CREDIT



Colorado law provides sex trafficked youth with a trafficking-specific civil remedy under Colo. Rev. Stat. Ann. § 13-21-127, which expressly applies to all cases involving human trafficking for sexual servitude regardless of the victim’s age.



Colorado law provides child labor trafficking victims with a trafficking-specific civil remedy under Colo. Rev. Stat. Ann. § 13-21-127, which expressly applies to cases involving involuntary servitude.

Policy Goal 4.6

Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

● FULLY MET

Prosecutions for child sex trafficking and certain CSEC offenses may commence at any time, and the statute of limitation for filing a trafficking-related civil action is eliminated. Pursuant to Colo. Rev. Stat. Ann. § 16-5-401(1)(a) (Limitation for commencing criminal proceedings and juvenile delinquency proceedings), no criminal statute of limitation applies to “any sex offense against a child” or any “attempt, conspiracy, or solicitation to commit any sex offense against a child.” Colo. Rev. Stat. Ann. § 16-5-401(1)(c)(IV) defines “sex offense against a child” to have the same meaning as “unlawful sexual offense” under Colo. Rev. Stat. Ann. § 18-3-411(1) (Sex offenses against children – Limitation for commencing proceedings – Evidence – Statutory privilege – Definition), which includes the following:

[H]uman trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); sexual exploitation of a child, as described in section 18-6-403; procurement of a child for sexual exploitation, as described in section 18-6-404; . . . soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-406; class 4 felony internet luring of a child, as described in section 18-3-306 (3); internet sexual exploitation of a child, as described in section 18-3-405.4; unlawful electronic sexual

communication, as described in section 18-3-418; or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

Regarding civil actions, Colo. Rev. Stat. Ann. § 13-80-103.7(1)–(6)(a) (General limitation of actions – Sexual misconduct – Third-party liability – Definition) provides,

- (1)
 - (a) Notwithstanding any other statute of limitations specified in this article 80 [Limitations of actions], or any other provision of law that can be construed to limit the time period to commence an action described in this section, any civil action based on sexual misconduct, including any derivative claim, may be commenced at any time without limitation.
 -
 - (2) As used in this section, unless the context otherwise requires, “sexual misconduct” means any conduct that forms the basis of a civil action that is engaged in for the purpose of the sexual arousal, gratification, or abuse of any person, and that constitutes any of the following:
 - (a) A first degree misdemeanor or a felony offense described in part 3 [Kidnapping] or 4 [Unlawful sexual behavior] of article 3 of title 18 or a felony offense described in article 6 or 7 of title 18;
 - (b) Human trafficking for sexual servitude, as described in section 18-3-504;
 - (c) A federal sex offense as defined in the federal “Sex Offender Registration and Notification Act”, 34 U.S.C. sec. 20911 (5)(a)(III);
 - (d) Obscene visual representations of the sexual abuse of children, as described in 18 U.S.C. sec. 1466a;
 - (e) Transfer of obscene material to minors, as described in 18 U.S.C. sec. 1470; or
 - (f) Attempt or conspiracy to commit sex trafficking of children or by force, fraud, or coercion, as described in 18 U.S.C. sec. 1594.
 -
 - (6)
 - (a) This section also applies to any cause of action arising from factual circumstances that include sexual misconduct that is brought against a person or entity that is not the perpetrator of the sexual misconduct.

Further, under Colo. Rev. Stat. Ann. § 13-20-1203 (Limitation on action – Retroactive application),

- (1) Notwithstanding any other provision of law, a person who was the victim of sexual misconduct that occurred when the victim was a minor and that occurred on or after January 1, 2022, may bring an action pursuant to this part 12 [Actions for sexual misconduct against minors] at any time without limitation.
- (2) A person who was the victim of sexual misconduct that occurred when the victim was a minor and that occurred on or after January 1, 1960, but before January 1, 2022, may bring an action pursuant to this part 12. An action described in this subsection (2) must be commenced before January 1, 2025.



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1

Non-testimonial evidence may be admitted through a child sex trafficking-specific hearsay exception to reduce reliance of victim testimony.

● FULLY MET

Colorado law allows out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child’s testimony. Specifically, Colo. Rev. Stat. Ann. § 18-3-411(3) (Sex offenses against children – Limitation for commencing proceedings – Evidence – Statutory privilege – Definition) states,

An out-of-court statement made by a child, as “child” is defined under the statutes that are the subject of the action, or a person under fifteen years of age if “child” is undefined under the statutes that are the subject of the action, describing all or part of an offense of unlawful sexual behavior, as defined in section 16-22-102 (9) [Definitions], performed or attempted to be performed with, by, on, or in the presence of the child declarant, and that is not otherwise admissible by a statute or court rule that provides an exception to the hearsay objection, may be admissible pursuant to section 13-25-129 (2) [Statement of a child – Hearsay exception].

Colo. Rev. Stat. Ann. § 13-25-129(2) (Statement of a child – Hearsay exception) reinforces this protection, stating,

An out-of-court statement made by a child, as child is defined under the statutes that are the subject of the action, or a person under fifteen years of age if child is undefined under the statutes that are the subject of the action, describing all or part of an offense of unlawful sexual behavior, as defined in section 16-22-102 (9), performed or attempted to be performed with, by, on, or in the presence of the child declarant, and that is not otherwise admissible by a statute or court rule that provides an exception to the hearsay objection, is admissible in evidence in any criminal, delinquency, or civil proceeding if the conditions of subsection (5) of this section are satisfied.

For purposes of protection under Colo. Rev. Stat. Ann. § 18-3-411(3) and Colo. Rev. Stat. Ann. § 13-25-129(2), Colo. Rev. Stat. Ann. § 16-22-102(9) (Definitions) defines “unlawful sexual behavior” as follows:

[A]ny of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

....

(j) Human trafficking of a minor for sexual servitude, as described in section 18-3-504 (2), C.R.S.;

(j.5) Human trafficking for sexual servitude, as described in section 18-3-504 (1);

....

(n) Soliciting for child prostitution, in violation of section 18-7-402, C.R.S.;

(o) Pandering of a child, in violation of section 18-7-403, C.R.S.;

(p) Procurement of a child, in violation of section 18-7-403.5, C.R.S.;

(q) Keeping a place of child prostitution, in violation of section 18-7-404, C.R.S.;

(r) Pimping of a child, in violation of section 18-7-405, C.R.S.;

(s) Inducement of child prostitution, in violation of section 18-7-405.5, C.R.S.;

(t) Patronizing a prostituted child, in violation of section 18-7-406, C.R.S.;

....

Accordingly, a child sex trafficking-specific hearsay exception applies to out-of-court statements. However, the following circumstances set forth under Colo. Rev. Stat. Ann. § 13-25-129(5) must be met:

- (a) The exceptions to the hearsay objection described in subsections (1) to (4) of this section apply only if the court finds in a pretrial hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient safeguards of reliability; and
- (b) The child either:
 - (I) Testifies at the proceedings; or
 - (II) Is unavailable as a witness and there is corroborative evidence of the act which is the subject of the statement.

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

● PARTIALLY MET

Colorado law allows for testimony by an alternative method, but limitations based on the victim’s age exclude some commercially sexually exploited children from protection. Specifically, Colo. Rev. Stat. Ann. § 16-10-402(1)(a) (Use of closed-circuit television – Child or witness with intellectual and developmental disabilities) allows child sex trafficking victims who are under 12 years of age to testify by closed circuit television (CCTV) regardless of the prosecuted offense, stating,

When a witness at the time of a trial is a child less than twelve years of age . . . , the court may, upon motion of a party or upon its own motion, order that the witness's testimony be taken in a room other than the courtroom and be televised by closed-circuit television in the courtroom if:

- (I) The testimony is taken during the proceeding;
- (II) The judge determines that testimony by the witness in the courtroom and in the presence of the defendant would result in the witness suffering serious emotional distress or trauma such that the witness would not be able to reasonably communicate; and
- (III) Closed-circuit television equipment is available for such use.

Alternatively, in cases involving an unlawful sexual offense, Colo. Rev. Stat. Ann. § 18-3-413(1), (4) (Video tape depositions – Children – Victims of sexual offenses) allows the deposition of a child victim under 15 years of age to be videotaped, and “[i]f the court finds that further testimony would cause the victim emotional trauma so that the victim is medically unavailable or otherwise unavailable within the meaning of rule 804 (a) of the Colorado rules of evidence, the court may admit the video tape of the victim’s deposition as former testimony under rule 804 (b)(1) of the Colorado rules of evidence.”

Colo. Rev. Stat Ann. § 18-3-411(1) (Sex offenses against children – Limitation for commencing proceedings – Evidence – Statutory privilege – Definition) defines “unlawful sexual offense” to include the following trafficking and CSEC crimes:

[H]uman trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); . . . soliciting for child prostitution, as described in section 18-7-402; pandering of a child, as described in section 18-7-403; procurement of a child, as described in section 18-7-403.5; keeping a place of child prostitution, as described in section 18-7-404; pimping of a child, as described in section 18-7-405; inducement of child prostitution, as described in section 18-7-405.5; patronizing a prostituted child, as described in section 18-7-406; . . . or criminal attempt, conspiracy, or solicitation to commit any of the acts specified in this subsection (1).

Accordingly, victims of child sex trafficking and CSEC may be able to have a videotaped deposition admitted into evidence in lieu of testifying.

However, Colo. Rev. Stat. Ann. § 16-10-402 and Colo. Rev. Stat. Ann. § 18-3-413 only protect children under 12 and 15 years of age, respectively, leaving older minors at increased risk of re-traumatization from testifying.

- 5.2.1 Recommendation: Strengthen existing statutory protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged. (*See Issue Brief 5.2.*)

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.
● PARTIALLY MET

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
Summary	Not statutorily required.	Testifying witnesses may be accompanied by a court facility dog.	Identifying information of any child victims or child witness is protected from disclosure in criminal justice records (except for good cause shown).
Relevant Statute(s)	None.	Colo. Rev. Stat. Ann. § 16-10-404 (Use of a court facility dog – Definitions)	Colo. Rev. Stat. Ann § 24-72-304(4), (4.5)(a) ³⁷ (Inspection of criminal records)

- 5.3.1 Recommendation: Amend state law to require that child sex trafficking victims have the right to a victim advocate. (*See Issue Brief 5.3.*)

INSIGHTS FROM THE FIELD



“Human Trafficking statutes fall under the Colorado Victim Rights Act that provides a number of rights to a victim of crime.”

-*Maria A. Trujillo, Human Trafficking Program Manager
 Colorado Human Trafficking Council, Colorado Department of Public Safety*

³⁷ The text of Colo. Rev. Stat. Ann. § 24-72-304 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 23-075 during the 2023 Regular Session of the Colorado state legislature (effective January 1, 2024).

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

● PARTIALLY MET

Colorado law does not provide for privileged communications between caseworkers and child sex trafficking victims specifically. However, child sex trafficking victims may benefit from privileged communications protections covering certain behavioral and mental health professionals and clients if the victim received care or services from such professionals.

Statute	Professional	Relevant Limitations
Colo. Rev. Stat. Ann. § 13-90-107(1)(g) (Who may not testify without consent – Definitions)	Licensed psychologist, professional counselor, family therapist, social worker, addiction counselor, unlicensed psychotherapist, certified addiction counselor, licensed professional counselor candidate	None.

5.4.1 Recommendation: Enact a child sex trafficking-specific caseworker privilege law that protects a child sex trafficking victim’s communications with a caseworker from being disclosed. (See [Issue Brief 5.4.](#))



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

❶ PARTIALLY MET

Colorado law authorizes, but does not mandate, trafficking-specific training for any agency, which would include child welfare; however, such training is contingent on funding. Pursuant to Colo. Rev. Stat. Ann. § 24-33.5-523³⁸ (Human trafficking prevention training – Repeal),

- (1) The division shall serve as an additional resource to provide training related to human trafficking. The training may include:
 - (a) Train-the-trainer programs;
 - (b) Direct trainings; and
 - (c) Online training programs.
- (2) Upon request, the following entities may receive training from the division:
 - (a) Law enforcement agencies;
 - (b) Organizations that provide direct services to victims of human trafficking;
 - (c) School personnel and parents or guardians of students; and
 - (d) Any other organization, agency, or group that would benefit from such training.
- (3) Training curricula provided by the division must be developed in collaboration with the Colorado human trafficking council created in section 18-3-505 [Human trafficking council – Created – Duties – Repeal].
-
- (6) . . . The division shall not provide training until sufficient money is available from gifts, grants, and donations to cover the costs associated with implementing and providing the training.
- (7) This section is repealed, effective September 1, 2030. Before its repeal, this section is scheduled for review in accordance with section 24-34-104 [General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment – Legislative declaration – Repeal].

Further, Colo. Rev. Stat. Ann. § 18-3-505(4)(e) (Human trafficking council – Created – Duties – Repeal) tasks the Colorado Human Trafficking Council with “[d]evelop[ing] training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear, and for law enforcement agencies.”

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by child welfare. However, Colorado law does not statutorily require individuals employed by child welfare to receive such training, and training is contingent on funding.

- 6.1.1 Recommendation: Amend state law to mandate statewide training for child welfare agencies on identification and response to child sex trafficking. (*See Issue Brief 6.1.*)

³⁸ The text of Colo. Rev. Stat. Ann. § 24-33.5-523 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 23-074 during the 2023 Regular Session of the Colorado state legislature (effective August 10, 2023).

INSIGHTS FROM THE FIELD



“C.R.S. § 18-3-505(e) requires the Colorado Human Trafficking Council to ‘develop training standards and curricula for organization that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear.’ The Council developed, ‘An Introduction to Human Trafficking in Colorado’ in 2016. This introductory training includes information about recognizing signs of human trafficking (including familial), risk factors for and dynamics of trafficking, understanding the impact of trauma and victims’ rights, and intervention. However, there is no requirement for child welfare staff to complete human trafficking training. Although there is no requirement, the Council’s introductory training has educated 576 child welfare professionals from 2017-December 2022.

The Council is also not the only entity that delivers education on human trafficking in the state. There are numerous non-profit organizations, and state agencies who also deliver training to child welfare professionals.

The Colorado Department of Human Services Child Welfare Training System also offers the following training on sex trafficking:

- Recognizing & Identifying Human Trafficking - An Introduction to Human Trafficking (web-based),
- Screening for Sex Trafficking - How to complete the Colorado screening tool (web-based),
- Child Welfare Response to Child & Youth Sex Trafficking (in person). A training component on both sex and labor trafficking is expected by September 2021 in the New Caseworker Academy which is required for caseworker certification.”

*-Maria A. Trujillo, Human Trafficking Program Manager
Colorado Human Trafficking Council, Colorado Department of Public Safety*

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

1 PARTIALLY MET

Colorado law authorizes, but does not mandate, trafficking-specific training for any agency, which would include juvenile justice agencies; however, such training is contingent on funding. Pursuant to Colo. Rev. Stat. Ann. § 24-33.5-523³⁹ (Human trafficking prevention training – Repeal),

- (1) The division shall serve as an additional resource to provide training related to human trafficking. The training may include:
 - (a) Train-the-trainer programs;
 - (b) Direct trainings; and
 - (c) Online training programs.
- (2) Upon request, the following entities may receive training from the division:

³⁹ See *supra* note 38.

- (a) Law enforcement agencies;
 - (b) Organizations that provide direct services to victims of human trafficking;
 - (c) School personnel and parents or guardians of students; and
 - (d) Any other organization, agency, or group that would benefit from such training.
- (3) Training curricula provided by the division must be developed in collaboration with the Colorado human trafficking council created in section 18-3-505 [Human trafficking council – Created – Duties – Repeal].
-
- (6) . . . The division shall not provide training until sufficient money is available from gifts, grants, and donations to cover the costs associated with implementing and providing the training.
- (7) This section is repealed, effective September 1, 2030. Before its repeal, this section is scheduled for review in accordance with section 24-34-104 [General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment – Legislative declaration – Repeal].

Further, Colo. Rev. Stat. Ann. § 18-3-505(4)(e) (Human trafficking council – Created – Duties – Repeal) tasks the Colorado Human Trafficking Council with “[d]evelop[ing] training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear, and for law enforcement agencies.”

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by juvenile justice agencies. However, Colorado law does not statutorily require individuals employed by juvenile justice agencies to receive such training, and training is contingent on funding.

- 6.2.1 Recommendation: Amend state law to mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking. (*See Issue Brief 6.2.*)

INSIGHTS FROM THE FIELD



“C.R.S. § 18-3-505(e) mandates the Colorado Human Trafficking Council to ‘develop training standards and curricula for organization that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear.’ The Council developed, ‘An Introduction to Human Trafficking in Colorado’ in 2016.

Although there is no legal requirement under state laws, the Council's Introductory training has educated 258 probation/corrections officers from 2017-2022.”

*-Maria A. Trujillo, Human Trafficking Program Manager
Colorado Human Trafficking Council, Colorado Department of Public Safety*

Policy Goal 6.3

State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

🔴 PARTIALLY MET

Colorado law authorizes, but does not mandate, trafficking-specific training for law enforcement; however, such training is contingent on funding. Pursuant to Colo. Rev. Stat. Ann. § 24-33.5-523⁴⁰ (Human trafficking prevention training – Repeal),

- (1) The division shall serve as an additional resource to provide training related to human trafficking. The training may include:
 - (a) Train-the-trainer programs;
 - (b) Direct trainings; and
 - (c) Online training programs.
- (2) Upon request, the following entities may receive training from the division:
 - (a) Law enforcement agencies;
 - (b) Organizations that provide direct services to victims of human trafficking;
 - (c) School personnel and parents or guardians of students; and
 - (d) Any other organization, agency, or group that would benefit from such training.
- (3) Training curricula provided by the division must be developed in collaboration with the Colorado human trafficking council created in section 18-3-505 [Human trafficking council – Created – Duties – Repeal].
-
- (6) . . . The division shall not provide training until sufficient money is available from gifts, grants, and donations to cover the costs associated with implementing and providing the training.
- (7) This section is repealed, effective September 1, 2030. Before its repeal, this section is scheduled for review in accordance with section 24-34-104 [General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment – Legislative declaration – Repeal].

Further, Colo. Rev. Stat. Ann. § 18-3-505(4)(e) (Human trafficking council – Created – Duties – Repeal) tasks the Colorado Human Trafficking Council with “[d]evelop[ing] training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear, and for law enforcement agencies.”

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by law enforcement. However, law enforcement officers are not statutorily mandated to receive such training nor is the training required to be ongoing, and training is contingent on funding.

- 6.3.1 Recommendation: Amend state law to mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement. (See [Issue Brief 6.3](#).)

⁴⁰ See *supra* note 38.

INSIGHTS FROM THE FIELD



“In 2014, the Colorado General Assembly passed House Bill 14-1273 (https://cdpsdocs.state.co.us/ovp/Human_Trafficking/ActHB14-1273.pdf), which established C.R.S. § 18-3-505(e) that tasked the Colorado Human Trafficking Council to ‘develop training standards and curricula for organization that provide assistance to victims of human trafficking... and for law enforcement officers,’ The Council completed curriculum development of, ‘Human Trafficking Investigations: An Introductory Course’ in 2017 and completed beta testing and the development of the train-the-trainer for this program in order to fully launch the program in 2018. However, this legislation did not establish any requirement for law enforcement to attend such training. Division of Justice staff worked with Colorado Peace Officers Standards and Training (POST) board to help with the advertising of the training program as well as ensure the program would be eligible for POST annual in-services training hours for law enforcement personnel.

Since 2018, 1,384 law enforcement personnel were trained through the Human Trafficking Investigations: An Introductory Course the Council law enforcement specific training program.

Although Colorado does not have a statewide requirement for law enforcement agencies to develop training protocols, we do know that several law enforcement agencies have taken initiative to include it in their initial academy education programs including Colorado State Patrol and Denver Sheriff’s Department. In addition, several agencies require department-wide training on human trafficking during in-service such as Pueblo, Wheat Ridge, Edgewater, Arvada, and Breckenridge Police Departments.

The Council is also not the only entity that delivers education on human trafficking in the state. There are numerous non-profit organizations, and state agencies who also deliver training to law enforcement personnel.”

*-Maria A. Trujillo, Human Trafficking Program Manager
Colorado Human Trafficking Council, Colorado Department of Public Safety*

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

1 PARTIALLY MET

Colorado law authorizes, but does not mandate, trafficking-specific training for any group that would benefit from such training, which would include prosecutors; however, such training is contingent on funding. Pursuant to Colo. Rev. Stat. Ann. § 24-33.5-523⁴¹ (Human trafficking prevention training – Repeal),

(1) The division shall serve as an additional resource to provide training related to human trafficking. The training may include:

(a) Train-the-trainer programs;

⁴¹ See *supra* note 38.

- (b) Direct trainings; and
- (c) Online training programs.
- (2) Upon request, the following entities may receive training from the division:
 - (a) Law enforcement agencies;
 - (b) Organizations that provide direct services to victims of human trafficking;
 - (c) School personnel and parents or guardians of students; and
 - (d) Any other organization, agency, or group that would benefit from such training.
- (3) Training curricula provided by the division must be developed in collaboration with the Colorado human trafficking council created in section 18-3-505 [Human trafficking council – Created – Duties – Repeal].
-
- (6) . . . The division shall not provide training until sufficient money is available from gifts, grants, and donations to cover the costs associated with implementing and providing the training.
- (7) This section is repealed, effective September 1, 2030. Before its repeal, this section is scheduled for review in accordance with section 24-34-104 [General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment – Legislative declaration – Repeal].

Further, Colo. Rev. Stat. Ann. § 18-3-505(4)(e) (Human trafficking council – Created – Duties – Repeal) tasks the Colorado Human Trafficking Council with “[d]evelop[ing] training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work in or who frequent places where human trafficking victims are likely to appear, and for law enforcement agencies.”

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by prosecutors. However, prosecutors are not statutorily mandated to receive such training, and training is contingent on funding.

- 6.4.1 Recommendation: Amend state law to mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors. (*See Issue Brief 6.4.*)

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

● FULLY MET

Colorado law tasks the school safety resource center with providing trafficking-specific training for school personnel—although such training is not necessarily required to be conducted statewide. Pursuant to Colo. Rev. Stat. Ann. § 24-33.5-1803(1), (3)(l)⁴² (School safety resource center – Created – Duties),

- (1) There is hereby created within the office the school safety resource center to assist schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations and to foster positive learning environments

....

- (3) The center has the following duties:

....

- (l) To provide materials and training as described in section 24-33.5-1809 [Prevention of child sexual abuse and assault – Resource bank – Training] to personnel in school districts and charter schools, parents, and students regarding the awareness and prevention of child sexual abuse and assault, including human trafficking;

⁴² The text of Colo. Rev. Stat. Ann. § 24-33.5-1803 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 23-241 during the 2023 Regular Session of the Colorado state legislature (effective April 27, 2023).

Further, Colo. Rev. Stat. Ann. § 24-33.5-523⁴³ (Human trafficking prevention training – Repeal) provides for training as follows:

- (1) The [Division of Criminal Justice] shall serve as an additional resource to provide training related to human trafficking. The training may include:
 - (a) Train-the-trainer programs;
 - (b) Direct trainings; and
 - (c) Online training programs.
- (2) Upon request, the following entities may receive training from the division:
.....
 - (c) School personnel and parents or guardians of students; and
.....
- (3) Training curricula provided by the division must be developed in collaboration with the Colorado human trafficking council created in section 18-3-505 [Human trafficking council – Created – Duties – Repeal].
- (4) When evaluating requests for training, the division shall give priority to requests from areas of the state that have limited access to other training resources.
.....
- (6) . . . The division shall not provide training until sufficient money is available from gifts, grants, and donations to cover the costs associated with implementing and providing the training.
- (7) This section is repealed, effective September 1, 2030. Before its repeal, this section is scheduled for review in accordance with section 24-34-104 [General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment – Legislative declaration – Repeal].

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by school personnel. However, Colorado law does not statutorily require school personnel to receive such training.

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

● FULLY MET

Colorado law provides for child sex trafficking prevention education in schools. Pursuant to Colo. Rev. Stat. Ann. § 24-33.5-1803(1), (3)(l)⁴⁴ (School safety resource center – Created – Duties),

- (1) There is hereby created within the office the school safety resource center to assist schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations and to foster positive learning environments
.....
- (3) The center has the following duties:
.....
 - (l) To provide materials and training as described in section 24-33.5-1809 [Prevention of child sexual abuse and assault – Resource bank – Training] to personnel in school districts and charter schools, parents, and students regarding the awareness and prevention of child sexual abuse and assault, including human trafficking;

Notably, however, Colo. Rev. Stat. Ann. § 24-33.5-1803 does not require the training to be statewide.

⁴³ See *supra* note 38.

⁴⁴ See *supra* note 42.

State Laws Addressing Child Sex Trafficking

1. Colo. Rev. Stat. Ann. § 18-3-504(2) (Human trafficking for sexual servitude – Human trafficking of a minor for sexual servitude) states,
 - (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.
 - (b) Human trafficking of a minor for sexual servitude is a class 2 felony. The court shall sentence a person convicted of such a class 2 felony 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.

A class 2 felony is punishable by imprisonment for 8–24 years, a fine of \$5,000–\$1,000,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties).

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. Colo. Rev. Stat. Ann. § 18-7-406 (Patronizing a prostituted child) states,

(1) Any person who performs any of the following with a child not his spouse commits patronizing a prostituted child:

- (a) Engages in an act which is prostitution of a child⁴⁵ or by a child,⁴⁶ as defined in section 18-7-401 (6) or (7) [Definitions]; or
 - (b) Enters or remains in a place of prostitution with intent to engage in an act which is prostitution of a child or by a child, as defined in section 18-7-401 (6) or (7).
- (2) Patronizing a prostituted child is a class 3 felony.

A class 3 felony is punishable by imprisonment for 4–12 years, a fine of \$3,000–\$750,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties). However, as a sex offense under Colo. Rev. Stat. Ann. § 18-1.3-1003(5) (Definitions), convictions are punishable by up to life imprisonment and a possible fine of \$3,000–\$750,000, which may not be imposed in lieu of a prison sentence. Colo. Rev. Stat. Ann. §§ 18-1.3-401(1)(a)(V.5)(C), (1)(b)(II.5), 18-1.3-1003(5)(a)(X), 18-1.3-1004(1)(a).

2. Colo. Rev. Stat. Ann. § 18-7-402 (Soliciting for child prostitution) states,

(1) A person commits soliciting for child prostitution if he:

- (a) Solicits another for the purpose of prostitution of a child or by a child;
 - (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution of a child or by a child; or
 - (c) Directs another to a place knowing such direction is for the purpose of prostitution of a child or by a child.
- (2) Soliciting for child prostitution is a class 3 felony.

A class 3 felony is punishable by imprisonment for 4–12 years, a fine of \$3,000–\$750,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties).

3. Colo. Rev. Stat. Ann. § 18-7-403 (Pandering of a child) states,

⁴⁵ Colo. Rev. Stat. Ann. § 18-7-401(7) (Definitions) defines “prostitution of a child” as follows:

[E]ither inducing a child to perform or offer or agree to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not the child’s spouse by coercion or by any threat or intimidation or inducing a child, by coercion or by any threat or intimidation or in exchange for money or other thing of value, to allow any person not the child’s spouse to perform or offer or agree to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with or upon such child. Such coercion, threat, or intimidation need not constitute an independent criminal offense and shall be determined solely through its intended or its actual effect upon the child.

⁴⁶ Colo. Rev. Stat. Ann. § 18-7-401(6) defines “prostitution by a child” as follows:

[E]ither a child performing or offering or agreeing to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not the child’s spouse in exchange for money or other thing of value or any person performing or offering or agreeing to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any child not the person’s spouse in exchange for money or other thing of value.

(1) Any person who does any of the following for money or other thing of value commits pandering of a child:

(a) Inducing a child by menacing or criminal intimidation to commit prostitution; or

(b) Knowingly arranging or offering to arrange a situation in which a child may practice prostitution.

(2) Pandering under paragraph (a) of subsection (1) of this section is a class 2 felony. Pandering under paragraph (b) of subsection (1) of this section is a class 3 felony.

A class 3 felony is punishable by imprisonment for 4–12 years, a fine of \$3,000–\$750,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties). A class 2 felony is punishable by imprisonment for 8–24 years, a fine of \$5,000–\$1,000,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties).

4. Colo. Rev. Stat. Ann. § 18-7-403.5 (Procurement of a child) states,

Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available, to another person a child for the purpose of prostitution of the child commits procurement of a child, which is a class 3 felony.

A class 3 felony is punishable by imprisonment for 4–12 years, a fine of \$3,000–\$750,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties).

5. Colo. Rev. Stat. Ann. § 18-7-404 (Keeping a place of child prostitution) states,

(1) Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one or more of the following commits keeping a place of child prostitution if he:

(a) Knowingly grants or permits the use of such place for the purpose of prostitution of a child or by a child; or

(b) Permits the continued use of such place for the purpose of prostitution of 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.

(2) Keeping a place of child prostitution is a class 3 felony.

A class 3 felony is punishable by imprisonment for 4–12 years, a fine of \$3,000–\$750,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties).

6. Colo. Rev. Stat. Ann. § 18-7-405 (Pimping of a child) states,

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 commits pimping of a child, which is a class 3 felony.

A class 3 felony is punishable by imprisonment for 4–12 years, a fine of \$3,000–\$750,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties).

7. Colo. Rev. Stat. Ann. § 18-7-405.5(1) (Inducement of child prostitution) states,

- (1) Any person who by word or action, other than conduct specified in section 18-7-403 (1)(a) [Pandering of a child], induces a child to engage in an act which is prostitution by a child, as defined in section 18-7-401 (6) [Definitions],⁴⁷ commits inducement of child prostitution.
- (2) Inducement of child prostitution is a class 3 felony.

A class 3 felony is punishable by imprisonment for 4–12 years, a fine of \$3,000–\$750,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties).

8. Colo. Rev. Stat. Ann. § 18-5.5-102(1)(h), (3)(b.5) (Cybercrime) states,

- (1) A person commits cybercrime if the person knowingly:

.....

- (h) Solicits or offers to arrange a situation in which a minor may engage in prostitution, by means of using a computer, computer network, computer system, or any part thereof; or

.....

- (3)

.....

- (b.5) Cybercrime committed in violation of subsection (1)(h), (1)(i), or (1)(j) of this section is a class 5 felony.

A class 5 felony is punishable by imprisonment for 1–3 years, a fine of \$1,000–\$100,000, or both. Colo. Rev. Stat. Ann. § 18-1.3-401(1)(a)(V.5)(A), (1)(a)(III)(A) (Felonies classified – Presumptive penalties).

⁴⁷ See *supra* note 46 for definition of “prostitution by a child.”

RESOURCES

REPORT CARDS PROJECT: For more information on the Report Cards Project, visit reportcards.sharedhope.org.

TOOLKIT: To see how your state compares, visit reportcards.sharedhope.org/toolkit.

RELATED RESOURCES: To better understand a policy goal or to see where the nation stands as a whole on a particular issue, visit reportcards.sharedhope.org/related-resources and click on the corresponding issue brief or survey chart, respectively.

HIGHLIGHTED RESOURCES

Community-Based Services White Paper



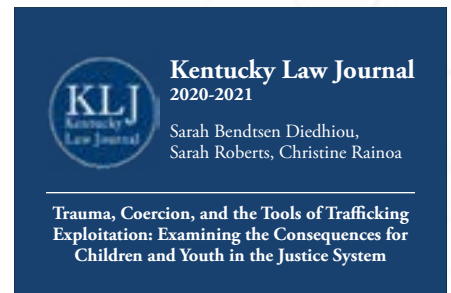
This white paper discusses the importance of providing comprehensive, trauma-informed services to all child sex trafficking victims, regardless of system involvement, and provides examples of state statutory responses.

Victim-Offender Intersectionality Report



This report examines the phenomenon of sex trafficking survivors entering the criminal justice system for allegedly engaging in sex trafficking conduct and provides tools for criminal justice stakeholders to assist in identifying and responding to these cases in a trauma-informed manner.

Trauma, Coercion, and the Tools of Trafficking Exploitation



This law journal article examines the harms of relying on a juvenile justice-based response for serving child sex trafficking victims, the importance of enacting strong non-criminalization laws, the intertwined nature of sex trafficking victimization and criminalized conduct, and the importance of using a trauma-informed lens in response.

TECHNICAL ASSISTANCE

For legislators and policy advocates assisting elected officials in creating legislation, request a consultation with our Policy Team online at sharedhope.org/legislative-technical-assistance. We will set up a meeting to discuss your legislative goals and create a customized plan for ongoing technical assistance, bill drafting services, and legislative support.

ADVOCACY ACTION CENTER

The Advocacy Action Center is an online resource that allows individuals to join the fight against child sex trafficking either through legislator engagement or by signing a petition. For more information, visit act.sharedhope.org/actioncenter.



Contact your legislators, letting them know you want greater protections for child sex trafficking victims and increased accountability for their exploiters.



Sign a petition to show your support for issues that advance justice for child sex trafficking survivors.



Help end the criminalization of child sex trafficking survivors! Several states can still criminalize child sex trafficking victims for prostitution. Sign the petition to show your support for changing these laws.