



Fiscal Impact Statement

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

INITIATIVE 108: PENALTIES FOR HUMAN TRAFFICKING OF A MINOR

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Date: September 2, 2025

Summary Information

Overview. The measure makes the crime of human trafficking of a minor for sexual servitude a class 1 felony instead of a class 2 felony.

Types of impacts. The measure is projected to affect the following areas:

- State Expenditures
- Local Government

Disclaimer. This initial fiscal impact statement has been prepared for an initiative approved for petition circulation by the Secretary of State. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the ballot information booklet (Blue Book) if new information becomes available. Any appropriations required to implement this measure will be addressed through the annual or supplemental budget process if this measure is approved by voters.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2041-42	Out Year FY 2042-43
State Revenue	\$0	\$0	\$0
State Expenditures (General Fund)	\$0	\$50,000	\$100,000
Transferred Funds	\$0	\$0	\$0
Change in TABOR Refunds	\$0	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE	0.0 FTE

Summary of Measure

Starting January 1, 2027, the measure increases the penalty level for the crime of human trafficking of a minor for sexual servitude from a class 2 felony to a class 1 felony instead. It clarifies that the statutory penalty of life imprisonment without the possibility of parole for other class 1 felonies applies to this offense. Finally, it includes knowingly trading anything of monetary value to buy or sell sexual activity with a minor as an element of the offense of human trafficking of a minor for sexual servitude.

Comparable Crime Analysis

Legislative Council Staff is required to include certain analysis in the fiscal note for any measure that creates a new crime, or that either reclassifies or creates a new factual basis for an existing crime. This section identifies comparable crimes and discusses assumptions on future conviction rates resulting from the measure.

Prior Conviction Data

This measure reclassifies the existing offense of human trafficking of a minor for sexual servitude, a class 2 felony, as a class 1 felony. It also creates a new factual basis for this existing offense by including knowingly trading anything of monetary value to buy or sell sexual activity with a minor as an element of this offense. From FY 2022-23 to FY 2024-25, eight persons have been convicted and sentenced for this offense, roughly three per year. Of the persons convicted, six were male, one was female, and one did not have a gender identified. Demographically, three were White, four were Black/African American, and one did not have a race identified.

Assumptions

This analysis assumes that there are approximately three offenders per year convicted and sentenced to the Department of Corrections (DOC) for the existing offense. The average Department of Corrections (DOC) length of stay for a class 2 felony is about 15 years with an average parole length of stay of about 3 years once the offender is released from prison, while the average length of stay for a class 1 felony is 40 years, with no parole. Thus, the measure increases the average stay in prison by about 25 years for the assumed 3 offenders sentenced per year.

Although the measure adds an element to the existing offense, this analysis assumes this will not lead to an increase in criminal case filings or convictions. Current law provides for the crime of soliciting a child for prostitution, and so case filings could occur under the offense as modified by the measure or other offenses. Filing criminal charges is at the discretion of district attorneys and also depends on the exact fact pattern of cases. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Expenditures

The measure increases state expenditures in the DOC beginning in about 15 years, or around FY 2041-42, based on current sentencing patterns. At that time, costs will increase to keep about three individuals in prison longer for a class 1 felony who would have otherwise been released on parole after serving their sentence for a class 2 felony. In the first year of this impact, costs will increase by about \$50,000 after accounting for longer incarceration and the reduced parole population. This cost will compound each year by an additional \$50,000 as more offenders remain incarcerated instead of being released. Eventually, costs will reach an equilibrium when the population increase from new offenders serving longer prison sentences is offset by a decrease from life sentences ending. Lastly, workload in the trial courts and the Office of the State Public Defender will minimally increase to try and defend longer cases with enhanced penalties.

Local Government

Workload will minimally increase for district attorneys to prosecute longer cases with enhanced penalties. Counties fund district attorney offices.

Effective Date

If approved by voters at the 2026 general election, this measure takes effect on January 1, 2027. It applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections District Attorneys Judicial