

Proposition 133: Penalties for Human Trafficking of a Minor

Placed on the ballot by citizen initiative • Passes with a majority vote

Proposition 133 proposes amending the Colorado statutes to:

- mandate a sentence of life in prison without parole for child sex trafficking convictions; and
- expand child sex trafficking to include buying sexual activity with a minor.

What Your Vote Means

YES

A “yes” vote on Proposition 133 increases the penalties for child sex trafficking to life in prison without parole, and expands child sex trafficking to include buying sexual activity with a minor.

NO

A “no” vote on Proposition 133 keeps the existing felony criminal penalties for child sex trafficking with a sentencing range of 8 to 48 years in prison plus a mandatory parole period.

Summary and Analysis of Proposition 133

What is child sex trafficking?

Under Colorado law, human trafficking of a minor for sexual servitude, or child sex trafficking, occurs when an adult forces or makes a minor available for commercial sexual activity in exchange for money or other compensation. Child sex trafficking is one of many sex crimes with which a buyer or seller may be charged. Legally, a minor cannot consent to commercial sexual activity. Current law provides legal defenses and protections for individuals charged with this crime who are victims of sex trafficking.

How does Proposition 133 change the crime of child sex trafficking?

Proposition 133 increases the penalty for child sex trafficking to life in prison without the possibility of parole, and removes judicial discretion in sentencing. It also adds exchanging anything of value to buy or sell sexual activity to the list of acts included in child sex trafficking. If convicted of this crime, buyers and sellers will receive a life sentence.

Table 1 outlines the current penalties for those convicted of child sex trafficking and the penalties if Proposition 133 is approved. The table reflects the range of potential penalties under current law, but the actual sentence would depend on the specifics of the crime and the outcome of the trial.

Table 1
Current and Proposed Penalties for Child Sex Trafficking

Policy	Felony Classification	Penalties
Current Law	Class 2 felony	8 to 48 years in prison and mandatory 5 years parole
Proposition 133	Class 1 felony	Life in prison without parole

Argument For Proposition 133

- 1) Child sex trafficking causes serious and long-lasting harm to victims. Someone who commits this terrible crime deserves a life sentence instead of a shorter prison term or probation. The punishment outlined in the measure is clear, definite, and ensures that offenders cannot hurt more children. With this change, victims will have no doubt that child sex trafficking offenders are punished to the fullest extent of the law. The measure helps deter people from engaging in child sex trafficking and sends a strong message that Colorado takes these crimes seriously. Proposition 133 makes certain that justice is served, children are protected, and victims are shielded from punishment and further harm.

Argument Against Proposition 133

- 1) Harsher sentences are unlikely to deter human trafficking, but may instead result in punishing victims. Many victims of child sex trafficking are pressured or forced to commit crimes to help traffickers. Due to the fear of a life sentence, victims may be less likely to report these crimes or cooperate with police. Additionally, a judge would no longer be able to consider the facts of the case when sentencing someone convicted of child sex trafficking. The measure prioritizes punishment over prevention, and redirects resources from other strategies that combat child sex trafficking. Proposition 133 is unlikely to stop child sex trafficking or protect victims.

Information about the organizations supporting and opposing this measure is available on the Colorado Secretary of State's website:

www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

Fiscal Impact of Proposition 133

State Spending

The measure increases future state spending in the Colorado Department of Corrections (CDOC). Costs for the measure are estimated to begin in about 14 years. Initial costs are estimated at \$180,000 in budget year 2041-42, and grow by that amount for several years thereafter. This would be an increase of \$360,000 in budget year 2042-43, \$540,000 in budget year 2043-44, and so on. These costs are not adjusted for inflation. Eventually, the increase will

Legislative Council Draft

1 stabilize as the costs of new offenders staying longer are offset by a decrease in costs from life
2 sentences ending due to an offender dying or potentially receiving a commutation or pardon.

3 The cost increase results from persons convicted of child sex trafficking serving a life sentence
4 instead of a fixed term. It takes years for the first affected offenders to reach the point in their
5 original sentence where they would have been paroled under current law, and that is when the
6 added cost starts. This cost estimate reflects current sentencing data and values for state-run
7 prison beds; actual costs will likely be higher in the future due to inflation, and if more
8 individuals are convicted of child sex trafficking than under current law. Notably, costs for
9 medical care will grow separately as offenders age in prison.

10 In addition, workload in the trial courts and agencies that provide representation to indigent
11 offenders in the Judicial Department will minimally increase as cases with enhanced penalties
12 generally take longer to process than cases with lesser penalties.

13 The measure does not specify a funding source to pay for the increased spending in the CDOC
14 and it is assumed that these costs will be paid from the state General Fund. While the measure
15 may reduce money available for other uses (the three largest of which are Health Care Policy
16 and Financing, Education, and Higher Education), the likely effect of the measure on other
17 programs is unknown and will depend on future budgeting decisions by the state legislature.

18 **Local Government Spending**

19 Similar to the state, workload will minimally increase for county-funded district attorneys to
20 prosecute longer cases with enhanced penalties.

Initiative 108: Penalties for Human Trafficking of a Minor

Placed on the ballot by citizen initiative • Passes with a majority vote

Initiative 108 proposes amending the Colorado statutes to:

- mandate a sentence of life in prison without parole for child sex trafficking convictions; and
- expand child sex trafficking to include buying sexual activity with a minor.

What Your Vote Means

YES

A “yes” vote on Initiative 108 increases the penalties for child sex trafficking to life in prison without parole, and expands child sex trafficking to include buying sexual activity with a minor.

NO

A “no” vote on Initiative 108 keeps the existing felony criminal penalties for child sex trafficking with a sentencing range of 8 to 48 years in prison plus a mandatory parole period.

Summary and Analysis of Initiative 108

What is child sex trafficking?

Under Colorado law, human trafficking of a minor for sexual servitude, or child sex trafficking, occurs when an adult forces or makes a minor available for commercial sexual activity in exchange for money or other compensation. Legally, a minor cannot consent to this activity. This conduct is one of many crimes with which a child sex trafficker or a buyer could be charged, such as solicitation or commercial sexual activity with a child. Colorado law provides legal defenses and protections for individuals charged with this crime who are victims of sex trafficking.

How does Initiative 108 change the crime of child sex trafficking?

Initiative 108 increases the penalty for child sex trafficking to life in prison without the possibility of parole, and removes judicial discretion in sentencing. It also adds exchanging anything of value to buy or sell sexual activity to the list of acts included in child sex trafficking. If convicted of this crime, buyers and sellers will receive a life sentence.

Table 1 outlines the current penalties for those convicted of child sex trafficking and the penalties if Initiative 108 is approved. The table reflects the range of potential penalties under current law, but the actual sentence would depend on the specifics of the crime and the outcome of the trial.

Table 1
Current and Proposed Penalties for Child Sex Trafficking

Policy	Felony Classification	Penalties
Current Law	Class 2 felony	8 to 48 years in prison and mandatory 5 years parole
Initiative 108	Class 1 felony	Life in prison without parole

Argument For Initiative 108

- 1) Child sex trafficking causes serious and long-lasting harm to victims. Someone who commits this terrible crime deserves a life sentence instead of a shorter prison term or probation. The punishment outlined in the measure is clear, definite, and ensures that offenders cannot harm more children. With this change, victims will have no doubt that child sex trafficking offenders are punished to the fullest extent of the law. The measure sends a strong message that Colorado takes these crimes seriously and discourages people from engaging in child sex trafficking. Initiative 108 makes certain that justice is served, children are protected, and victims are shielded from punishment and further harm.

Argument Against Initiative 108

- 1) Harsher sentences do little to break up organized trafficking networks, and instead punish people with smaller roles in these operations. Many victims of child sex trafficking are pressured or forced to commit crimes to help traffickers. Due to the fear of a life sentence, victims may be less likely to report these crimes or cooperate with police. Additionally, a judge would no longer be able to consider the facts of the case when sentencing someone convicted of child sex trafficking. The measure prioritizes punishment over prevention, and redirects resources from proven strategies that combat child sex trafficking. Initiative 108 is unlikely to stop child sex trafficking or protect victims.

Information about the organizations supporting and opposing this measure is available on the Colorado Secretary of State's website:

www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2026.html

Fiscal Impact of Initiative 108

State Spending

The measure increases future state spending in the Colorado Department of Corrections (CDOC). Costs for the measure are estimated to begin in about 14 years. Initial costs are estimated at \$180,000 in budget year 2041-42, and grow by that amount for several years thereafter. This would be an increase of \$360,000 in budget year 2042-43, \$540,000 in budget year 2043-44, and so on. These costs are not adjusted for inflation. Eventually, the increase will

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17 programs is unknown and will depend on future budgeting decisions by the state legislature.

18 **Local Government Spending**

19 Similar to the state, workload will minimally increase for county-funded district attorneys to
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Last Draft Comments from Interested Parties

Proposition 133

Penalties for Human Trafficking of a Minor

Amanda Finger, representing the Laboratory to Combat Human Trafficking:

Hello,

I would like to submit two minor comments for the 3rd version of Initiative 108, and I hope this feedback can still be considered as I realize I'm submitting this after the 8/17 deadline. Thank you in advance for all of your work on this initiative!

Amanda

Argument Against Initiative 108 section (Page 2, rows 12-13):

"Harsher sentences do little to break up organized trafficking networks, and instead punish people with smaller roles in these operations."

– Noting that most HT cases prosecuted in CO are not organized crime networks, but individuals.

Propose reframing the first sentence to: "Research has shown that the harshest sentences do not actually deter crime, they silence victims from coming forward."

Rows 18-19:

The measure prioritizes punishment over prevention, and redirects resources from proven strategies that combat child sex trafficking. Initiative 108 is unlikely to stop child sex trafficking or protect victims.

Suggest revising to: "The measure prioritizes punishment over prevention, and redirects resources from proven strategies that improve access to justice for survivors of child sex trafficking. Initiative 108 is very unlikely to reduce child sex trafficking or protect victims who are coerced to commit crimes while being trafficked."

Scott Gessler, representing Gessler Blue Law LLC:

Mr. Gessler submitted Attachment A.

Kevin Lundberg, representing Protect Kids Colorado:

I am a bit concerned by a bias I detect in this analysis of 108, favoring the rejection of 108.

The argument your analysis gives for 108 is weak. Little is said about the deterrence that 108 was designed to create with this significant increase in the sentencing. The whole point of 108 is to prevent as much child sex-trafficking in Colorado as possible. This should be the focus in the argument "for" 108. Instead it only dwells on an attitude that the offender should be punished. It misdirects the reader from the prime reason for 108 and fails to adequately present that rationale for the passage of 108.

However, in the arguments against 108 a great deal of speculation is included on why 108 may not work, and presented as facts rather than speculation. The very first sentence of that paragraph makes the definitive statement: "Harsher sentences do little to break up organized trafficking networks." Another example is the statement: "The measure prioritizes punishment over prevention," This statement fails to acknowledge the fact that increasing the penalty is intended to diminish the number of people committing the crime.

Further, the sentence goes on to say: "...redirects resources from proven strategies that combat child sex trafficking." Using the word "proven" is another assumption that harsher penalties don't work, but other methods are effective. Additionally, the argument that 108 "redirects resources" flies in the face of the fiscal note which states no real fiscal impact for 14 years. And then, after 14 years the fiscal impact is assuming that the life sentence will have not reduced the incidences of child sex-trafficking.

It is also instructive to note that the fiscal note discusses the possibilities of 108 increasing the number of convictions, but no mention of the possibility of a reduction in the number of convictions.

A more balanced approach would be to acknowledge that harsh penalties are intended to stop some potential offenders from trying it in Colorado and stop making definitive statements for the opposition that are more accurately speculative statements. There is an underlying theme that harsh penalties have no bearing on the frequency of these offenses. That is not a fact, it is an opinion of some and should be stated as such.

Qualify the statements for the opposition with "some criminal justice opinions do not think harsher sentencing reduces crime." Drop the word "proven" and balance the speculation of increasing convictions with the other possibility that sex-trafficking children will become less frequent.

Thank you for considering my review of the 3rd draft of 108.



August 17, 2026

PDF VIA EMAIL: humantrafficking2026@coleg.gov

Amanda King
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

Re: Ballot Initiative 108

Dear Ms. King:

I write on behalf of the Proponents who make one comment.

In the summary section, the third sentence states “[t]his conduct is one of many crimes with which a child sex trafficker or a buyer could be charged, such as solicitation or commercial sexual activity with a child.”

Specifically, the sentence begins with the phrase “this conduct.” The phrase “this conduct” refers to the conduct prohibited by the initiative. As a result, the follow-on phrase “such as solicitation or commercial sexual activity with a child” is easily interpreted to mean the very activity prohibited by the initiative. Thus, voters can easily be misled into believing that the initiative also penalizes “solicitation or commercial sexual activity with a child.”

In fact, the initiative is very limited, focused only on child sex trafficking. The Blue Book should take care to avoid confusion and misunderstanding concerning the activities an initiative encompasses, and therefore the ballot summary should remove the phrase “such as solicitation or commercial sexual activity.” The phrase adds no meaningful information the helps voters understand the initiative. and the summary can properly describe the initiative without reference to what other laws may or may not do.

Thank you for your consideration, and please feel free to contact me directly at this email or at 720-839-6637 with any questions.

Sincerely,

GESSLER BLUE LLC

A handwritten signature in blue ink, appearing to read 'Scott E. Gessler'.

Scott E. Gessler

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Proposition 133

Penalties for Human Trafficking of a Minor

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Proposition 133

Penalties for Human Trafficking of a Minor

Ballot Title: Shall there be a change to the Colorado Revised Statutes modifying existing law concerning human trafficking of a minor for sexual servitude, and, in connection therewith, creating new law expanding human trafficking of a minor for sexual servitude to include knowingly trading anything of monetary value to buy or sell sexual activity with a minor and increasing the penalty to be life in prison without parole or release?

Text of Measure:

Be it enacted by the people of the State of Colorado

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

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

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

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

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

18-3-504. Human trafficking for sexual servitude - human trafficking of a minor for sexual servitude.

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

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

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

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

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

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

(6) THE SHORT TITLE OF THIS SECTION IS THE "CHILDREN ARE NOT FOR SALE ACT."

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

