

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

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.