

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0713.01 Michael Dohr x4347

**HOUSE BILL 19-1030**

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**HOUSE SPONSORSHIP**

**Soper and Roberts,** Rankin

**SENATE SPONSORSHIP**

**Rankin,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING CREATING THE CRIME OF UNLAWFUL ELECTRONIC**  
102      **SEXUAL COMMUNICATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the crime of unlawful electronic sexual communication. The bill prohibits a person who is in a position of trust with respect to a child from communicating with that child through electronic means and describing explicit sexual conduct in the communication.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-3-418 as  
3 follows:

4 **18-3-418. Unlawful electronic sexual communication - person**

5 **in a position of trust - definitions.** (1) AN ACTOR COMMITS UNLAWFUL

6 ELECTRONIC SEXUAL COMMUNICATION IF THE ACTOR KNOWINGLY

7 IMPORTUNES, INVITES, OR ENTICES THROUGH COMMUNICATION VIA A

8 COMPUTER NETWORK OR SYSTEM, TELEPHONE NETWORK, OR DATA

9 NETWORK OR BY A TEXT MESSAGE OR INSTANT MESSAGE A PERSON WHOM

10 THE ACTOR KNOWS OR BELIEVES TO BE FIFTEEN YEARS OF AGE OR OLDER

11 BUT LESS THAN EIGHTEEN YEARS OF AGE AND AT LEAST FOUR YEARS

12 YOUNGER THAN THE ACTOR, AND THE ACTOR COMMITTING THE OFFENSE

13 IS ONE IN A POSITION OF TRUST WITH RESPECT TO THAT PERSON, TO:

14 (a) EXPOSE OR TOUCH THE PERSON'S OWN OR ANOTHER PERSON'S

15 INTIMATE PARTS WHILE COMMUNICATING WITH THE ACTOR VIA A

16 COMPUTER NETWORK OR SYSTEM, TELEPHONE NETWORK, OR DATA

17 NETWORK OR BY A TEXT MESSAGE OR INSTANT MESSAGE; OR

18 (b) OBSERVE THE ACTOR'S INTIMATE PARTS VIA A COMPUTER

19 NETWORK OR SYSTEM, TELEPHONE NETWORK, OR DATA NETWORK OR BY

20 A TEXT MESSAGE OR INSTANT MESSAGE.

21 (2) AN ACTOR COMMITS UNLAWFUL ELECTRONIC SEXUAL

22 COMMUNICATION IF THE ACTOR KNOWINGLY COMMUNICATES OVER A

23 COMPUTER OR COMPUTER NETWORK, TELEPHONE NETWORK, OR DATA

24 NETWORK OR BY A TEXT MESSAGE OR INSTANT MESSAGE TO A PERSON THE

25 ACTOR KNOWS OR BELIEVES TO BE FIFTEEN YEARS OF AGE OR OLDER BUT

26 LESS THAN EIGHTEEN YEARS OF AGE AND AT LEAST FOUR YEARS YOUNGER

1 THAN THE ACTOR AND, IN THAT COMMUNICATION OR IN ANY SUBSEQUENT  
2 COMMUNICATION BY COMPUTER OR COMPUTER NETWORK, TELEPHONE  
3 NETWORK, OR DATA NETWORK OR BY TEXT MESSAGE OR INSTANT  
4 MESSAGE, DESCRIBES EXPLICIT SEXUAL CONDUCT AS DEFINED IN SECTION  
5 18-6-403 (2)(e) AND, IN CONNECTION WITH THAT DESCRIPTION, MAKES A  
6 STATEMENT PERSUADING OR INVITING THE PERSON TO MEET THE ACTOR  
7 FOR ANY PURPOSE, AND THE ACTOR COMMITTING THE OFFENSE IS ONE IN  
8 A POSITION OF TRUST WITH RESPECT TO THAT PERSON.

9 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
10 REQUIRES:

11 (a) "EXPLICIT SEXUAL CONDUCT" HAS THE SAME MEANING AS  
12 SECTION 18-6-403 (2)(e).

13 (b) "IN CONNECTION WITH" MEANS COMMUNICATIONS THAT  
14 FURTHER, ADVANCE, PROMOTE, OR HAVE A CONTINUITY OF PURPOSE AND  
15 MAY OCCUR BEFORE, DURING, OR AFTER THE INVITATION TO MEET.

16 (c) "POSITION OF TRUST" HAS THE SAME MEANING AS SECTION  
17 18-3-401 (3.5).

18 (4) (a) UNLAWFUL ELECTRONIC SEXUAL COMMUNICATION IN  
19 VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 6 FELONY.

20 (b) UNLAWFUL ELECTRONIC SEXUAL COMMUNICATION IN  
21 VIOLATION OF SUBSECTION (2) OF THIS SECTION IS A CLASS 6 FELONY;  
22 EXCEPT THAT UNLAWFUL ELECTRONIC SEXUAL COMMUNICATION IS A  
23 CLASS 5 FELONY IF COMMITTED WITH THE INTENT TO MEET FOR THE  
24 PURPOSE OF ENGAGING IN SEXUAL EXPLOITATION AS DEFINED IN SECTION  
25 18-6-403 OR SEXUAL CONTACT AS DEFINED IN SECTION 18-3-401.

26 **SECTION 2.** In Colorado Revised Statutes, 16-11.7-102, **amend**  
27 the introductory portion, (3)(x), and (3)(y); and **add** (3)(z) as follows:

1           **16-11.7-102. Definitions.** As used in this ~~article~~ ARTICLE 11.7,  
2 unless the context otherwise requires:

3           (3) "Sex offense" means any felony or misdemeanor offense  
4 described in this subsection (3) as follows:

5           (x) Public indecency, committed in violation of section 18-7-301  
6 (2)(b), ~~C.R.S.~~, if a second offense is committed within five years of the  
7 previous offense or a third or subsequent offense is committed; ~~or~~

8           (y) Invasion of privacy for sexual gratification, as described in  
9 section 18-3-405.6; ~~C.R.S.~~; OR

10           (z) UNLAWFUL ELECTRONIC SEXUAL COMMUNICATION, IN  
11 VIOLATION OF SECTION 18-3-418.

12           **SECTION 3.** In Colorado Revised Statutes, 16-22-102, **amend**  
13 (9)(aa) and (9)(bb); and **add** (9)(cc) as follows:

14           **16-22-102. Definitions.** As used in this article 22, unless the  
15 context otherwise requires:

16           (9) "Unlawful sexual behavior" means any of the following  
17 offenses or criminal attempt, conspiracy, or solicitation to commit any of  
18 the following offenses:

19           (aa) Invasion of privacy for sexual gratification, in violation of  
20 section 18-3-405.6; ~~C.R.S.~~; ~~or~~

21           (bb) Second degree kidnapping, if committed in violation of  
22 section 18-3-302 (3)(a); ~~C.R.S.~~; OR

23           (cc) UNLAWFUL ELECTRONIC SEXUAL COMMUNICATION, IN  
24 VIOLATION OF SECTION 18-3-418.

25           **SECTION 4.** In Colorado Revised Statutes, 18-3-411, **amend** (1)  
26 as follows:

27           **18-3-411. Sex offenses against children - "unlawful sexual**

1 **offense" defined - limitation for commencing proceedings - evidence**  
2 **- statutory privilege.** (1) As used in this section, "unlawful sexual  
3 offense" means enticement of a child, as described in section 18-3-305;  
4 sexual assault, as described in section 18-3-402, when the victim at the  
5 time of the commission of the act is a child less than fifteen years of age;  
6 sexual assault in the first degree, as described in section 18-3-402, as it  
7 existed prior to July 1, 2000, when the victim at the time of the  
8 commission of the act is a child less than fifteen years of age; sexual  
9 assault in the second degree, as described in section 18-3-403 (1)(a),  
10 (1)(b), (1)(c), (1)(d), (1)(g), or (1)(h), as it existed prior to July 1, 2000,  
11 when the victim at the time of the commission of the act is a child less  
12 than fifteen years of age, or as described in section 18-3-403 (1)(e), as it  
13 existed prior to July 1, 2000, when the victim is less than fifteen years of  
14 age and the actor is at least four years older than the victim; unlawful  
15 sexual contact, as described in section 18-3-404 (1)(a), (1)(b), (1)(c),  
16 (1)(d), (1)(f), or (1)(g), when the victim at the time of the commission of  
17 the act is a child less than fifteen years of age; sexual assault in the third  
18 degree, as described in section 18-3-404 (1)(a), (1)(b), (1)(c), (1)(d),  
19 (1)(f), or (1)(g), as it existed prior to July 1, 2000, when the victim at the  
20 time of the commission of the act is a child less than fifteen years of age;  
21 sexual assault on a child, as described in section 18-3-405; sexual assault  
22 on a child by one in a position of trust, as described in section 18-3-405.3;  
23 aggravated incest, as described in section 18-6-302; human trafficking of  
24 a minor for sexual servitude, as described in section 18-3-504 (2); sexual  
25 exploitation of a child, as described in section 18-6-403; procurement of  
26 a child for sexual exploitation, as described in section 18-6-404; indecent  
27 exposure, as described in section 18-7-302, soliciting for child

1 prostitution, as described in section 18-7-402; pandering of a child, as  
2 described in section 18-7-403; procurement of a child, as described in  
3 section 18-7-403.5; keeping a place of child prostitution, as described in  
4 section 18-7-404; pimping of a child, as described in section 18-7-405;  
5 inducement of child prostitution, as described in section 18-7-405.5;  
6 patronizing a prostituted child, as described in section 18-7-406; class 4  
7 felony internet luring of a child, as described in section 18-3-306 (3);  
8 internet sexual exploitation of a child, as described in section 18-3-405.4;  
9 UNLAWFUL ELECTRONIC SEXUAL COMMUNICATION, AS DESCRIBED IN  
10 SECTION 18-3-418; or criminal attempt, conspiracy, or solicitation to  
11 commit any of the acts specified in this subsection (1).

12 **SECTION 5. Potential appropriation.** Pursuant to section  
13 2-2-703, C.R.S., any bill that results in a net increase in periods of  
14 imprisonment in state correctional facilities must include an appropriation  
15 of money that is sufficient to cover any increased capital construction, any  
16 operational costs, and increased parole costs that are the result of the bill  
17 for the department of corrections in each of the first five years following  
18 the effective date of the bill. Because this act may increase periods of  
19 imprisonment, this act may require a five-year appropriation.

20 **SECTION 6. Effective date - applicability.** This act takes effect  
21 July 1, 2019, and applies to offenses committed on or after said date.

22 **SECTION 7. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.