

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0730.01 Conrad Imel x2313

SENATE BILL 24-011

SENATE SPONSORSHIP

Winter F. and Cutter,

HOUSE SPONSORSHIP

Duran and Willford,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE PROTECTION FROM HARM**
102 **CAUSED THROUGH THE USE OF TECHNOLOGY.**

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 requires an online dating service (service) to have a safety policy that includes certain elements. It is a deceptive trade practice if a service does not have a compliant safety policy. A safety policy must include:

- Information about whether and under what circumstances the service conducts background screenings of members

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

SENATE
Amended 2nd Reading
March 20, 2024

who use the service (members) and whether the service excludes from membership individuals with past criminal convictions;

- A definition of misconduct used by the online dating service;
- A description of whether and when the service suspends a member profile or bars a member from the service as a result of reports of misconduct committed by the member;
- Guidelines for reporting misconduct committed by a member to the service and information about how those reports are shared with other members;
- A notice that engaging in sexual conduct with another person without the other person's consent violates the safety policy and criminal laws, and may result in criminal or civil liability;
- Information about resources available for members who experience misconduct committed by another member; and
- Measures taken by the platform that are reasonably designed to promote safer online and in-person dating experiences for members.

A service shall post its safety policy on the front page of its website or mobile application, include the policy in its dating service contract, and file its safety policy with the attorney general's office.

A service shall annually file a report with the attorney general's office that includes information about reports of misconduct committed by members that the service has received and actions taken by the service against members who are the subject of those reports.

If a member who brings an enforcement action against a service for the deceptive trade practice of not having an adequate safety policy was injured by another member and a report against the other member was filed with the service prior to the incident, the service is liable for the amount of the member's actual damages or, if the service received more than one report about the other member and fails to take timely remedial action against the other member, 3 times the amount of the member's actual damages.

The bill creates a civil cause of action for a person who was tracked by means of a tracking device or tracking application to bring a claim against the actor who installed a tracking device on the person's property or who caused a tracking device or tracking application to track the person or person's property without the person's consent.

Existing law prohibits posting a private image for harassment; posting a private image for pecuniary gain; and posting, possession, or exchange of a private image by a juvenile. The bill adds to those offenses posting a computer generated or digitally altered sexual image that:

- Depicts an actual person engaging in speech or conduct

that the person did not engage in and is so realistic that a reasonable person would believe it depicts the actual conduct of the depicted person;

- Was produced by technological means; and
- Realistically depicts the private intimate parts of another person or artificially generated private intimate parts presented as those of the depicted person or displays the depicted person in a sexual act.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Three in ten adults, including half of 18- to 29-year-olds, in
5 the United States have used a dating site or app;

6 (b) 31% of women on dating apps surveyed had been sexually
7 assaulted or raped by someone they met through a dating app;

8 (c) Three in four users experienced dating app-facilitated sexual
9 violence, with the highest rates among LGBTQIA users;

10 (d) It is relatively easy for minors to create profiles and use dating
11 apps, because most apps do not verify the identity or age of the account
12 holder;

13 (e) Predators have repeatedly used dating app platforms for serial
14 criminal enterprises for financial fraud, as well as stalking, homicide, and
15 rape;

16 (f) Colorado is in the top five most dangerous states for online
17 dating;

18 (g) The small size and inexpensive nature of available tracking
19 devices enable tracking devices to increasingly be used to track people
20 and their property without consent;

21 (h) From 2019 to 2023, there was a 550% increase in sexual

1 deepfakes published online;

2 (i) Intimate image abuse, including images that are digitally
3 created or altered, affects survivors' mental health, including a high risk
4 of suicide, and may negatively impact survivors' employment prospects,
5 academic success, and physical well-being; and

6 (j) The risks and reality of technology-facilitated crimes impacts
7 the public and is a matter of statewide public safety and concern.

8 (2) Therefore, in order to improve the public health, safety, and
9 welfare of Coloradans, it is necessary to ensure that:

10 (a) Each online dating service develops thoughtful and transparent
11 safety policies that are posted in a conspicuous place on the service's
12 website or app for users;

13 (b) Online dating services take prompt remedial action for
14 misconduct carried out through dating sites or apps;

15 (c) Data regarding the frequency of reported misconduct and the
16 responses of dating sites or apps is tracked and available to consumers;

17 (d) An online dating service can be held accountable when it fails
18 to act on reports of misconduct or criminal attacks;

19 (e) Consent is required for tracking a person or another's property;
20 and

21 (f) Existing intimate image abuse laws include deepfakes and
22 digitally altered images.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 6-1-731.5 as
24 follows:

25 **6-1-731.5. Online dating services - deceptive trade practice -**
26 **policy required - report - rules - definitions.** (1) AS USED IN THIS
27 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 (a) "HARASS" OR "HARASSMENT" MEANS TO ENGAGE IN, OR THE
2 ACT OF ENGAGING IN, ANY UNWELCOME PHYSICAL OR VERBAL CONDUCT
3 OR ANY WRITTEN, PICTORIAL, OR VISUAL COMMUNICATION DIRECTED AT
4 A MEMBER, WHICH CONDUCT OR COMMUNICATION IS SUBJECTIVELY
5 OFFENSIVE TO THE MEMBER ALLEGING HARASSMENT AND IS OBJECTIVELY
6 OFFENSIVE TO A REASONABLE MEMBER.

7 (b) "MEMBER" AND "MEMBER IN THIS STATE" HAVE THE SAME
8 MEANING SET FORTH IN SECTION 6-1-731.

9 (c) "MISCONDUCT THAT THREATENS PUBLIC OR PERSONAL SAFETY"
10 MEANS AN ACT, THREATENED ACT, OR ATTEMPTED ACT OF HOMICIDE,
11 UNLAWFUL SEXUAL BEHAVIOR, ASSAULT, KIDNAPPING, STALKING,
12 HARASSMENT, INVOLUNTARY INTOXICATION, ROBBERY, THEFT, OR ANY
13 OTHER CONDUCT THAT THREATENS PUBLIC OR ANOTHER PERSON'S SAFETY.

14 (d) "ONLINE DATING SERVICE" HAS THE SAME MEANING SET FORTH
15 IN SECTION 6-1-731.

16 (e) "ONLINE DATING SERVICE CONTRACT" HAS THE SAME MEANING
17 SET FORTH IN SECTION 6-1-731.

18 (f) "REMEDIAL ACTION" MEANS SUSPENDING THE MEMBER'S
19 PROFILE FROM THE SERVICE, BARRING THE MEMBER FROM THE SERVICE, OR
20 PROVIDING ACTUAL NOTICE THAT IT RECEIVED A REPORT OF PROHIBITED
21 CONTENT AND CONDUCT TO OTHER MEMBERS WHO HAVE HAD CONTACT ON
22 THE SERVICE WITH THE MEMBER WHO WAS THE SUBJECT OF THE REPORTS.

23 (g) "SAFETY POLICY" MEANS AN ONLINE DATING SERVICE'S SAFETY
24 POLICY REQUIRED IN SUBSECTION (2) OF THIS SECTION.

25 (2) AN ONLINE DATING SERVICE SHALL ADOPT A SAFETY POLICY
26 THAT COMPLIES WITH THIS SUBSECTION (2). AN ONLINE DATING SERVICE
27 THAT HAS A MEMBER LOCATED IN THIS STATE ON THE EFFECTIVE DATE OF

1 THIS SECTION SHALL MAKE THE SAFETY POLICY EFFECTIVE ON OR BEFORE
2 JANUARY 1, 2025. AN ONLINE DATING SERVICE THAT REGISTERS ITS FIRST
3 MEMBER IN THIS STATE AFTER THE EFFECTIVE DATE OF THIS SECTION
4 SHALL MAKE THE SAFETY POLICY EFFECTIVE ONE YEAR AFTER IT
5 REGISTERS ITS FIRST MEMBER IN THIS STATE. THE SAFETY POLICY MUST
6 INCLUDE THE FOLLOWING:

7 (a) A DESCRIPTION OF PROHIBITED CONTENT AND CONDUCT USED
8 BY THE ONLINE DATING SERVICE, WHICH MUST INCLUDE MISCONDUCT
9 THAT THREATENS PUBLIC OR PERSONAL SAFETY.

10 (b) A STATEMENT OF WHETHER AND UNDER WHAT
11 CIRCUMSTANCES THE ONLINE DATING SERVICE CONDUCTS A CRIMINAL
12 BACKGROUND SCREENING OF MEMBERS AND WHETHER THE ONLINE
13 DATING SERVICE EXCLUDES AS A MEMBER A PERSON WHO IS FOUND TO
14 HAVE A CRIMINAL CONVICTION AND, IF SO, WHICH TYPES OF CRIMINAL
15 CONVICTIONS RESULT IN EXCLUSION;

16 (c) A DESCRIPTION OF WHETHER AND WHEN THE ONLINE DATING
17 SERVICE VERIFIES A MEMBER'S IDENTITY OR THAT THE MEMBER IS AT
18 LEAST EIGHTEEN YEARS OF AGE;

19 (d) A DESCRIPTION OF WHETHER AND WHEN THE ONLINE DATING
20 SERVICE SUSPENDS A MEMBER'S PROFILE FROM THE SERVICE AS A RESULT
21 OF REPORTS OF PROHIBITED CONTENT AND CONDUCT COMMITTED BY THE
22 MEMBER RECEIVED BY THE ONLINE DATING SERVICE AND THE
23 CIRCUMSTANCES UNDER WHICH THE ONLINE DATING SERVICE BARS A
24 MEMBER FROM THE ONLINE DATING SERVICE AS A RESULT OF RECEIVED
25 REPORTS;

26 (e) A DESCRIPTION OF WHETHER THE ONLINE DATING SERVICE
27 PERMITS A MEMBER WHO WAS SUSPENDED OR BARRED AS A RESULT OF

1 REPORTS OF PROHIBITED CONTENT AND CONDUCT COMMITTED BY THE
2 MEMBER TO APPEAL THE ADVERSE ACTION AND, IF THE ONLINE DATING
3 SERVICE PERMITS AN APPEAL, THE APPEAL PROCESS;

4 (f) A DESCRIPTION OF WHETHER AND WHEN THE ONLINE DATING
5 SERVICE, AFTER RECEIVING A REPORT OF PROHIBITED CONTENT AND
6 CONDUCT COMMITTED BY A MEMBER, PROVIDES ACTUAL NOTICE THAT IT
7 RECEIVED THE REPORT TO OTHER MEMBERS WHO HAVE HAD CONTACT
8 WITH THE MEMBER WHO WAS THE SUBJECT OF THE REPORT AND, IF SO, THE
9 TYPES OF CONTENT AND CONDUCT THAT RESULT IN PROVIDING A NOTICE
10 ___ AND THE PROCESS FOR PROVIDING THE NOTICE;

11 (g) CLEAR GUIDELINES FOR REPORTING TO THE ONLINE DATING
12 SERVICE PROHIBITED CONTENT AND CONDUCT COMMITTED BY A MEMBER
13 AGAINST ANOTHER MEMBER. THE GUIDELINES MUST WARN MEMBERS NOT
14 TO SUBMIT FALSE REPORTS OR REPORT FOR MALICIOUS, BIASED, OR OTHER
15 ILLEGITIMATE REASONS. ___

16 (h) A NOTICE THAT ENGAGING IN SEXUAL CONDUCT WITH ANOTHER
17 PERSON WITHOUT THE OTHER PERSON'S CONSENT VIOLATES THE SAFETY
18 POLICY, IS AGAINST THE LAW, AND MAY RESULT IN CRIMINAL OR CIVIL
19 LIABILITY;

20 (i) INFORMATION ABOUT RESOURCES AVAILABLE FOR MEMBERS IN
21 COLORADO WHO EXPERIENCE SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND
22 OTHER CRIMES; AND

23 (j) A LIST OF SAFETY MEASURES TAKEN BY THE PLATFORM THAT
24 ARE REASONABLY DESIGNED TO PROMOTE SAFER ONLINE AND IN-PERSON
25 DATING EXPERIENCES FOR MEMBERS.

26 (3) AN ONLINE DATING SERVICE SHALL POST A CLEAR AND
27 CONSPICUOUS LINK TO THE SERVICE'S SAFETY POLICY ON THE MAIN PAGE

1 OF ITS WEBSITE AND ON THE SETTINGS, OR A SIMILAR SCREEN, OF ITS
2 MOBILE APPLICATION, IF APPLICABLE, AND INCLUDE A LINK TO THE SAFETY
3 POLICY IN A DATING SERVICE CONTRACT DESCRIBED IN SECTION 6-1-731.
4 THE TEXT OF EACH LINK MUST EXPLICITLY INFORM A COLORADO MEMBER
5 THAT THE LINK NAVIGATES THE MEMBER TO THE ONLINE DATING SERVICE'S
6 SAFETY POLICY.

7 (4) (a) AN ONLINE DATING SERVICE SHALL SUBMIT THE URL FOR
8 ITS SAFETY POLICY POSTED ON ITS WEBSITE TO THE ATTORNEY GENERAL'S
9 OFFICE WITHIN FIFTEEN DAYS AFTER ENACTING THE SAFETY POLICY. IF AN
10 ONLINE DATING SERVICE UPDATES THE URL FOR ITS SAFETY POLICY, IT
11 SHALL SUBMIT THE UPDATED URL TO THE ATTORNEY GENERAL'S OFFICE
12 WITHIN SEVEN DAYS AFTER UPDATING THE URL.

13 (b) ON OR BEFORE JANUARY 31, 2026, AND ON OR BEFORE
14 JANUARY 31 OF EACH YEAR THEREAFTER, AN ONLINE DATING SERVICE
15 SHALL SUBMIT AN ANNUAL REPORT TO THE ATTORNEY GENERAL'S OFFICE
16 CONCERNING MEMBER SAFETY AND THE ONLINE DATING SERVICE'S
17 COMPLIANCE WITH THIS SECTION. THE REPORT MUST INCLUDE THE
18 INFORMATION REQUIRED BY THE RULES PROMULGATED PURSUANT TO THIS
19 SECTION.

20 (c) THE REPORT REQUIRED PURSUANT TO SUBSECTION (4)(b) OF
21 THIS SECTION IS ONLY REQUIRED TO INCLUDE INFORMATION ABOUT A
22 MEMBER LOCATED IN, OR REPORTS MADE BY A MEMBER LOCATED IN,
23 COLORADO, IF THAT INFORMATION IS AVAILABLE. IF THAT INFORMATION
24 IS NOT AVAILABLE, THE REPORT MUST INCLUDE INFORMATION FROM THE
25 ENTIRE UNITED STATES.

26 (4.5) THE ATTORNEY GENERAL MAY PROMULGATE RULES TO
27 CARRY OUT THIS SECTION. THE RULES MAY INCLUDE THE PROCESS FOR AN

1 ONLINE DATING SERVICE TO SUBMIT TO THE ATTORNEY GENERAL'S OFFICE
2 THE URL FOR ITS SAFETY POLICY. ___

3 (5) THE ATTORNEY GENERAL'S OFFICE SHALL POST ON A PUBLIC
4 PAGE OF ITS WEBSITE A LINK TO EACH SAFETY POLICY AND EACH ANNUAL
5 REPORT FILED WITH THE OFFICE PURSUANT TO SUBSECTION (4) OF THIS
6 SECTION BY EACH ONLINE DATING SERVICE.

7 (6) PRIOR TO COMMENCING AN ENFORCEMENT ACTION PURSUANT
8 TO THIS ARTICLE 1 AGAINST AN ONLINE DATING SERVICE THAT REGISTERS
9 ITS FIRST MEMBER IN THIS STATE AFTER THE EFFECTIVE DATE OF THIS
10 SECTION FOR THE SERVICE'S FIRST VIOLATION OF THIS SECTION, THE
11 ATTORNEY GENERAL OR A DISTRICT ATTORNEY MUST ISSUE A NOTICE OF
12 VIOLATION TO THE ONLINE DATING SERVICE IF THE ATTORNEY GENERAL OR
13 DISTRICT ATTORNEY DETERMINES THAT IT IS POSSIBLE FOR THE ONLINE
14 DATING SERVICE TO CURE THE VIOLATION. IF THE ONLINE DATING SERVICE
15 FAILS TO CURE THE VIOLATION WITHIN THIRTY DAYS OF RECEIVING THE
16 NOTICE OF VIOLATION, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY
17 MAY BRING AN ENFORCEMENT ACTION PURSUANT TO THIS ARTICLE 1.

18 (7) (a) NOTHING IN THIS SECTION ALTERS THE SCOPE OF THE
19 FEDERAL "COMMUNICATIONS DECENCY ACT OF 1996", 47 U.S.C. SEC.
20 230.

21 (b) NOTHING IN THIS SECTION LIMITS ANY RIGHTS OR REMEDIES OF
22 AN INJURED PARTY THAT ARE AVAILABLE UNDER COLORADO LAW NOR
23 REMOVES ANY REMEDIES AVAILABLE TO AN INJURED PERSON PRIOR TO THE
24 EFFECTIVE DATE OF THIS SECTION.

25 (c) AN ONLINE DATING SERVICE IS NOT LIABLE TO A BARRED OR
26 SUSPENDED MEMBER FOR TAKING, IN GOOD FAITH, REMEDIAL ACTION IN
27 ACCORDANCE WITH ITS MEMBERSHIP AGREEMENT AGAINST A MEMBER FOR

1 VIOLATING THE SERVICE'S SAFETY POLICY.

2 SECTION 3. In Colorado Revised Statutes, add 6-1-735 as
3 follows:

4 6-1-735. Social media companies - unfair trade practice -
5 complying with company policies regarding computer generated
6 sexual images - definitions. (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "COMPUTER GENERATED OR DIGITALLY ALTERED SEXUAL
9 IMAGE" MEANS A PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, DIGITAL
10 FILE, OR OTHER REPRODUCTION THAT:

11 (I) DEPICTS AN ACTUAL PERSON WHO APPEARS TO BE ENGAGING IN
12 SPEECH OR CONDUCT IN WHICH THE PERSON DID NOT ENGAGE AND IS SO
13 REALISTIC THAT A REASONABLE PERSON WOULD BELIEVE IT DEPICTS THE
14 ACTUAL SPEECH OR CONDUCT OF THE DEPICTED PERSON;

15 (II) WAS SUBSTANTIALLY DEPENDENT UPON PRODUCTION BY
16 TECHNICAL MEANS, RATHER THAN THE ABILITY OF ANOTHER PERSON TO
17 PHYSICALLY OR VERBALLY IMPERSONATE THE DEPICTED PERSON; AND

18 (III) REALISTICALLY DEPICTS THE PRIVATE INTIMATE PARTS OR
19 SEXUAL ACTS OF ANOTHER PERSON AS THE PRIVATE INTIMATE PARTS OR
20 SEXUAL ACTS OF THE DEPICTED PERSON OR ARTIFICIALLY GENERATED
21 PRIVATE INTIMATE PARTS OR SEXUAL ACTS AS THE PRIVATE INTIMATE
22 PARTS OR SEXUAL ACTS OF THE DEPICTED PERSON.

23 (b) "REMEDIAL ACTION" MEANS SUSPENDING A USER'S ACCOUNT
24 FROM A SOCIAL MEDIA PLATFORM OR BARRING A USER FROM A PLATFORM.

25 (c) "SOCIAL MEDIA COMPANY" OR "COMPANY" MEANS A PERSON
26 THAT OWNS OR OPERATES ONE OR MORE SOCIAL MEDIA PLATFORMS.

27 (d) "SOCIAL MEDIA PLATFORM" MEANS AN INTERNET-BASED

1 SERVICE OR APPLICATION THAT HAS USERS IN COLORADO AND MEETS
2 BOTH OF THE FOLLOWING CRITERIA:

3 (I) A SUBSTANTIAL FUNCTION OF THE SERVICE OR APPLICATION IS
4 TO ALLOW USERS TO INTERACT SOCIALLY WITH EACH OTHER WITHIN THE
5 SERVICE OR APPLICATION; AND

6 (II) THE SERVICE OR APPLICATION ALLOWS A USER TO:

7 (A) BECOME A REGISTERED USER, ESTABLISH AN ACCOUNT, OR
8 CONSTRUCT A PUBLIC OR SEMI-PUBLIC PROFILE FOR PURPOSES OF SIGNING
9 INTO AND USING THE SERVICE OR APPLICATION; AND

10 (B) CREATE OR POST CONTENT THAT IS VIEWABLE BY OTHER
11 USERS.

12 (e) "USER" MEANS ANY PERSON WHO CAN VIEW CONTENT ON A
13 SOCIAL MEDIA PLATFORM, REGARDLESS OF WHETHER THE PLATFORM
14 CHARGES A FEE TO VIEW CONTENT OR PARTICIPATE ON THE PLATFORM AND
15 REGARDLESS OF WHETHER THE PERSON HAS AN ACCOUNT OR OTHERWISE
16 REGISTERS WITH THE PLATFORM.

17 (2) (a) A SOCIAL MEDIA COMPANY SHALL PROHIBIT POSTING A
18 COMPUTER GENERATED OR DIGITALLY ALTERED SEXUAL IMAGE ON ITS
19 SOCIAL MEDIA PLATFORM WITHOUT THE CONSENT OF THE PERSON
20 DEPICTED IN THE IMAGE.

21 (b) A SOCIAL MEDIA COMPANY SHALL HAVE A POLICY THAT
22 INCLUDES A PROCESS FOR A USER TO FLAG CONTENT OR OTHER USERS
23 THAT THE USER BELIEVES VIOLATE THE PROHIBITION ON POSTING A
24 COMPUTER GENERATED OR DIGITALLY ALTERED SEXUAL IMAGE AND
25 STANDARDS FOR TAKING REMEDIAL ACTION AGAINST A USER WHO POSTS
26 A COMPUTER GENERATED OR DIGITALLY ALTERED SEXUAL IMAGE ON THE
27 COMPANY'S SOCIAL MEDIA PLATFORM.

1 (3) FOR THE PURPOSES OF SECTION 6-1-113 (1)(a), IF A SOCIAL
2 MEDIA COMPANY RECEIVED A REPORT THAT A USER POSTED A COMPUTER
3 GENERATED OR DIGITALLY ALTERED SEXUAL IMAGE ON ITS SOCIAL MEDIA
4 PLATFORM AND THE SOCIAL MEDIA COMPANY FAILED TO REMOVE THE
5 IMAGE FROM ITS SOCIAL MEDIA PLATFORM AND TAKE REMEDIAL ACTION
6 AGAINST THE USER IN ACCORDANCE WITH THE COMPANY'S POLICY, THE
7 FAILURE TO REMOVE THE IMAGE AND TAKE REMEDIAL ACTION IS PRIMA
8 FACIE EVIDENCE THAT ANY OTHER USER WHO VIEWED THE IMAGE AFTER
9 THE IMAGE WAS FLAGGED WAS INJURED AS A RESULT OF AN UNFAIR TRADE
10 PRACTICE BY THE SOCIAL MEDIA COMPANY.

11 **SECTION 4.** In Colorado Revised Statutes, 6-1-105, **amend**
12 (1)(cccc); and add (1)(eeee) and (1)(ffff) as follows:

13 **6-1-105. Unfair or deceptive trade practices.** (1) A person
14 engages in a deceptive trade practice when, in the course of the person's
15 business, vocation, or occupation, the person:

16 (cccc) Sells or offers for sale a product that is age-restricted to a
17 person who does not meet the age restriction; or

18 ==
19 (eeee) VIOLATES SECTION 6-1-731.5; OR
20 (ffff) VIOLATES SECTION 6-1-735.

21 ==
22 **SECTION 5.** In Colorado Revised Statutes, **add** part 13 to article
23 20 of title 13 as follows:

24 PART 13
25 MISCELLANEOUS ACTIONS
26 **13-20-1301. Actions for tracking a person without consent -**
27 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT

1 OTHERWISE REQUIRES:

2 (a) "ACTOR" MEANS A PERSON WHO TRACKS ANOTHER PERSON
3 THROUGH THE USE OF A TRACKING APPLICATION OR TRACKING DEVICE.

4 (b) "TRACKING APPLICATION" MEANS ANY SOFTWARE PROGRAM
5 THAT PERMITS AN ACTOR TO REMOTELY DETERMINE OR TRACK THE
6 POSITION OR MOVEMENT OF ANOTHER PERSON OR ANOTHER PERSON'S
7 PROPERTY.

8 (c) "TRACKING DEVICE" MEANS AN ELECTRONIC OR MECHANICAL
9 DEVICE THAT PERMITS AN ACTOR TO REMOTELY DETERMINE OR TRACK THE
10 POSITION OR MOVEMENT OF ANOTHER PERSON OR ANOTHER PERSON'S
11 PERSONAL PROPERTY.

12 (2) (a) A PERSON WHO WAS TRACKED BY MEANS OF A TRACKING
13 DEVICE OR TRACKING APPLICATION MAY BRING A CLAIM FOR DAMAGES,
14 INCLUDING NONECONOMIC LOSS OR INJURY, AGAINST THE ACTOR WHO
15 INSTALLED A TRACKING DEVICE ON THE PERSON'S PERSONAL PROPERTY
16 WITHOUT THE PERSON'S CONSENT OR WHO CAUSED A TRACKING DEVICE OR
17 TRACKING APPLICATION TO TRACK THE POSITION OR MOVEMENT OF THE
18 PERSON OR PERSON'S PERSONAL PROPERTY WITHOUT THE PERSON'S
19 CONSENT. AN ACTOR IS LIABLE TO THE EXTENT THE ACTOR'S CONDUCT
20 WAS THE PROXIMATE CAUSE OF THE HARM CAUSED BY THE TRACKING
21 DEVICE OR TRACKING APPLICATION.

22 (b) A PERSON WHO HAS GIVEN CONSENT FOR AN ACTOR TO INSTALL
23 A TRACKING DEVICE OR TRACKING APPLICATION ON THE CONSENTING
24 PERSON'S PERSONAL PROPERTY MAY REVOKE THE CONSENT AT ANY TIME
25 AND MAY BRING A CLAIM PURSUANT TO THIS SECTION FOR TRACKING THAT
26 OCCURRED AFTER THE PERSON REVOKED CONSENT.

27 (3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, A

1 PERSON SHALL NOT BRING A CLAIM AGAINST A LAW ENFORCEMENT
2 AGENCY OR PEACE OFFICER FOR ACTIONS TAKEN AS PART OF A CRIMINAL
3 INVESTIGATION; A PEACE OFFICER ACTING WITHIN THE SCOPE OF THE
4 PEACE OFFICER'S OFFICIAL DUTIES; A PUBLIC HIGHWAY AUTHORITY,
5 CREATED PURSUANT TO PART 5 OF ARTICLE 4 OF TITLE 43, ACTING WITHIN
6 THE SCOPE OF ITS AUTHORITY TO COLLECT TOLLS; OR A PARENT OR LEGAL
7 GUARDIAN OF A MINOR CHILD FOR TRACKING THE MINOR CHILD.

8 **SECTION 6.** In Colorado Revised Statutes, 18-7-107, amend
9 (1)(a) introductory portion; and add (2.5) as follows:

10 **18-7-107. Posting a private image for harassment - definitions.**

11 (1) (a) An actor who is eighteen years of age or older commits the
12 offense of posting a private image for harassment if ~~he or she~~ THE ACTOR
13 posts or distributes through the use of social media or any website any
14 photograph, video, or other image displaying the REAL OR SIMULATED
15 private intimate parts of an identified or identifiable person eighteen years
16 of age or older or an image displaying sexual acts of an identified or
17 identifiable person:

18 (2.5) IT IS NOT A DEFENSE TO AN ALLEGED VIOLATION OF THIS
19 SECTION THAT THE IMAGE IS PARTIALLY DIGITALLY CREATED OR ALTERED
20 OR THAT THE PRIVATE INTIMATE PARTS WERE DIGITALLY CREATED OR
21 ALTERED.

22 **SECTION 7.** In Colorado Revised Statutes, 18-7-108, amend
23 (1)(a) introductory portion; and add (2.5) as follows:

24 **18-7-108. Posting a private image for pecuniary gain -**

25 **definitions.** (1) (a) An actor who is eighteen years of age or older
26 commits the offense of posting a private image for pecuniary gain if ~~he~~
27 ~~or she~~ THE ACTOR posts or distributes through social media or any website

1 any photograph, video, or other image displaying the REAL OR SIMULATED
2 private intimate parts of an identified or identifiable person eighteen years
3 of age or older or an image displaying sexual acts of an identified or
4 identifiable person:

5 (2.5) IT IS NOT A DEFENSE TO AN ALLEGED VIOLATION OF THIS
6 SECTION THAT THE IMAGE IS PARTIALLY DIGITALLY CREATED OR ALTERED
7 OR THAT THE PRIVATE INTIMATE PARTS WERE DIGITALLY CREATED OR
8 ALTERED.

9 **SECTION 8.** In Colorado Revised Statutes, 18-7-109, amend (8)
10 introductory portion and (8)(b) as follows:

11 **18-7-109. Posting, possession, or exchange of a private image**
12 **by a juvenile - definitions - penalties.** (8) As used in this section,
13 UNLESS THE CONTEXT OTHERWISE REQUIRES:

14 (b) "Sexually explicit image" means any electronic or digital
15 photograph, video, or video depiction of the REAL OR SIMULATED external
16 genitalia or perineum or anus or buttocks or pubes of any person or the
17 REAL OR SIMULATED breast of a female person.

18 =====
19 **SECTION 9.** Act subject to petition - effective date -
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
21 the expiration of the ninety-day period after final adjournment of the
22 general assembly; except that, if a referendum petition is filed pursuant
23 to section 1 (3) of article V of the state constitution against this act or an
24 item, section, or part of this act within such period, then the act, item,
25 section, or part will not take effect unless approved by the people at the
26 general election to be held in November 2024 and, in such case, will take
27 effect on the date of the official declaration of the vote thereon by the

1 governor.

2 (2) This act applies to offenses committed and claims filed on or

3 after the applicable effective date of this act.