

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 24-0730.01 Conrad Imel x2313

**SENATE BILL 24-011**

**SENATE SPONSORSHIP**

**Winter F. and Cutter**, Buckner, Coleman, Danielson, Exum, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Marchman, Michaelson Jenet, Mullica, Priola, Roberts, Rodriguez

**HOUSE SPONSORSHIP**

**Duran and Willford**,

**Senate Committees**  
Judiciary

**House Committees**  
Judiciary

**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  
3rd Reading Unamended  
March 21, 2024

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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

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

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

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

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

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

(2) AN ONLINE DATING SERVICE SHALL ADOPT A SAFETY POLICY THAT COMPLIES WITH THIS SUBSECTION (2). AN ONLINE DATING SERVICE THAT HAS A MEMBER LOCATED IN THIS STATE ON THE EFFECTIVE DATE OF THIS SECTION SHALL MAKE THE SAFETY POLICY EFFECTIVE ON OR BEFORE JANUARY 1, 2025. AN ONLINE DATING SERVICE THAT REGISTERS ITS FIRST MEMBER IN THIS STATE AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL MAKE THE SAFETY POLICY EFFECTIVE ONE YEAR AFTER IT REGISTERS ITS FIRST MEMBER IN THIS STATE. THE SAFETY POLICY MUST

1 INCLUDE THE FOLLOWING:

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

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

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

14 (d) A DESCRIPTION OF WHETHER AND WHEN THE ONLINE DATING  
15 SERVICE SUSPENDS A MEMBER'S PROFILE FROM THE SERVICE AS A RESULT  
16 OF REPORTS OF PROHIBITED CONTENT AND CONDUCT COMMITTED BY THE  
17 MEMBER RECEIVED BY THE ONLINE DATING SERVICE AND THE  
18 CIRCUMSTANCES UNDER WHICH THE ONLINE DATING SERVICE BARS A  
19 MEMBER FROM THE ONLINE DATING SERVICE AS A RESULT OF RECEIVED  
20 REPORTS;

21 (e) A DESCRIPTION OF WHETHER THE ONLINE DATING SERVICE  
22 PERMITS A MEMBER WHO WAS SUSPENDED OR BARRED AS A RESULT OF  
23 REPORTS OF PROHIBITED CONTENT AND CONDUCT COMMITTED BY THE  
24 MEMBER TO APPEAL THE ADVERSE ACTION AND, IF THE ONLINE DATING  
25 SERVICE PERMITS AN APPEAL, THE APPEAL PROCESS;

26 (f) A DESCRIPTION OF WHETHER AND WHEN THE ONLINE DATING  
27 SERVICE, AFTER RECEIVING A REPORT OF PROHIBITED CONTENT AND

1 CONDUCT COMMITTED BY A MEMBER, PROVIDES ACTUAL NOTICE THAT IT  
2 RECEIVED THE REPORT TO OTHER MEMBERS WHO HAVE HAD CONTACT  
3 WITH THE MEMBER WHO WAS THE SUBJECT OF THE REPORT AND, IF SO, THE  
4 TYPES OF CONTENT AND CONDUCT THAT RESULT IN PROVIDING A NOTICE  
5 AND THE PROCESS FOR PROVIDING THE NOTICE;

6 (g) CLEAR GUIDELINES FOR REPORTING TO THE ONLINE DATING  
7 SERVICE PROHIBITED CONTENT AND CONDUCT COMMITTED BY A MEMBER  
8 AGAINST ANOTHER MEMBER. THE GUIDELINES MUST WARN MEMBERS NOT  
9 TO SUBMIT FALSE REPORTS OR REPORT FOR MALICIOUS, BIASED, OR OTHER  
10 ILLEGITIMATE REASONS.

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

15 (i) INFORMATION ABOUT RESOURCES AVAILABLE FOR MEMBERS IN  
16 COLORADO WHO EXPERIENCE SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND  
17 OTHER CRIMES; AND

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

21 (3) AN ONLINE DATING SERVICE SHALL POST A CLEAR AND  
22 CONSPICUOUS LINK TO THE SERVICE'S SAFETY POLICY ON THE MAIN PAGE  
23 OF ITS WEBSITE AND ON THE SETTINGS, OR A SIMILAR SCREEN, OF ITS  
24 MOBILE APPLICATION, IF APPLICABLE, AND INCLUDE A LINK TO THE SAFETY  
25 POLICY IN A DATING SERVICE CONTRACT DESCRIBED IN SECTION 6-1-731.  
26 THE TEXT OF EACH LINK MUST EXPLICITLY INFORM A COLORADO MEMBER  
27 THAT THE LINK NAVIGATES THE MEMBER TO THE ONLINE DATING SERVICE'S

1     SAFETY POLICY.

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

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

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

21            (4.5) THE ATTORNEY GENERAL SHALL PROMULGATE RULES TO  
22    CARRY OUT THIS SECTION. THE RULES MAY INCLUDE THE PROCESS FOR AN  
23    ONLINE DATING SERVICE TO SUBMIT TO THE ATTORNEY GENERAL'S OFFICE  
24    THE URL FOR ITS SAFETY POLICY. \_\_\_\_\_

25            (5) THE ATTORNEY GENERAL'S OFFICE SHALL POST ON A PUBLIC  
26    PAGE OF ITS WEBSITE A LINK TO EACH SAFETY POLICY AND EACH ANNUAL  
27    REPORT FILED WITH THE OFFICE PURSUANT TO SUBSECTION (4) OF THIS



1 SECTION BY EACH ONLINE DATING SERVICE.

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

13 (7) (a) NOTHING IN THIS SECTION ALTERS THE SCOPE OF THE  
14 FEDERAL "COMMUNICATIONS DECENCY ACT OF 1996", 47 U.S.C. SEC.  
15 230.

16 (b) NOTHING IN THIS SECTION LIMITS ANY RIGHTS OR REMEDIES OF  
17 AN INJURED PARTY THAT ARE AVAILABLE UNDER COLORADO LAW NOR  
18 REMOVES ANY REMEDIES AVAILABLE TO AN INJURED PERSON PRIOR TO THE  
19 EFFECTIVE DATE OF THIS SECTION.

20 (c) AN ONLINE DATING SERVICE IS NOT LIABLE TO A BARRED OR  
21 SUSPENDED MEMBER FOR TAKING, IN GOOD FAITH, REMEDIAL ACTION IN  
22 ACCORDANCE WITH ITS MEMBERSHIP AGREEMENT AGAINST A MEMBER FOR  
23 VIOLATING THE SERVICE'S SAFETY POLICY.

24

25 **SECTION 3.** In Colorado Revised Statutes, 6-1-105, **amend**  
26 (1)(cccc); and add (1)(eeee) [ ] as follows:

27 **6-1-105. Unfair or deceptive trade practices.** (1) A person

1 engages in a deceptive trade practice when, in the course of the person's  
2 business, vocation, or occupation, the person:

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

5 ==  
6 (eeee) VIOLATES SECTION 6-1-731.5.

7 [REDACTED]  
8 ==

9 **SECTION 4.** In Colorado Revised Statutes, **add** part 13 to article  
10 20 of title 13 as follows:

11 PART 13

12 MISCELLANEOUS ACTIONS

13 **13-20-1301. Actions for tracking a person without consent -**  
14 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
15 OTHERWISE REQUIRES:

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

18 (b) "TRACKING APPLICATION" MEANS ANY SOFTWARE PROGRAM  
19 THAT PERMITS AN ACTOR TO REMOTELY DETERMINE OR TRACK THE  
20 POSITION OR MOVEMENT OF ANOTHER PERSON OR ANOTHER PERSON'S  
21 PROPERTY.

22 (c) "TRACKING DEVICE" MEANS AN ELECTRONIC OR MECHANICAL  
23 DEVICE THAT PERMITS AN ACTOR TO REMOTELY DETERMINE OR TRACK THE  
24 POSITION OR MOVEMENT OF ANOTHER PERSON OR ANOTHER PERSON'S  
25 PERSONAL PROPERTY.

26 (2) (a) A PERSON WHO WAS TRACKED BY MEANS OF A TRACKING  
27 DEVICE OR TRACKING APPLICATION MAY BRING A CLAIM FOR DAMAGES,

1 INCLUDING NONECONOMIC LOSS OR INJURY, AGAINST THE ACTOR WHO  
2 INSTALLED A TRACKING DEVICE ON THE PERSON'S PERSONAL PROPERTY  
3 WITHOUT THE PERSON'S CONSENT OR WHO CAUSED A TRACKING DEVICE OR  
4 TRACKING APPLICATION TO TRACK THE POSITION OR MOVEMENT OF THE  
5 PERSON OR PERSON'S PERSONAL PROPERTY WITHOUT THE PERSON'S  
6 CONSENT. AN ACTOR IS LIABLE TO THE EXTENT THE ACTOR'S CONDUCT  
7 WAS THE PROXIMATE CAUSE OF THE HARM CAUSED BY THE TRACKING  
8 DEVICE OR TRACKING APPLICATION.

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

14 (3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, A  
15 PERSON SHALL NOT BRING A CLAIM AGAINST A LAW ENFORCEMENT  
16 AGENCY OR PEACE OFFICER FOR ACTIONS TAKEN AS PART OF A CRIMINAL  
17 INVESTIGATION; A PEACE OFFICER ACTING WITHIN THE SCOPE OF THE  
18 PEACE OFFICER'S OFFICIAL DUTIES; A PUBLIC HIGHWAY AUTHORITY,  
19 CREATED PURSUANT TO PART 5 OF ARTICLE 4 OF TITLE 43, ACTING WITHIN  
20 THE SCOPE OF ITS AUTHORITY TO COLLECT TOLLS; THE HIGH PERFORMANCE  
21 TRANSPORTATION ENTERPRISE CREATED IN SECTION 43-4-806 ACTING  
22 WITHIN THE SCOPE OF ITS AUTHORITY TO COLLECT TOLLS AND ENFORCE  
23 TOLL AND SAFETY VIOLATIONS; OR A PARENT OR LEGAL GUARDIAN OF A  
24 MINOR CHILD FOR TRACKING THE MINOR CHILD.

25 **SECTION 5.** In Colorado Revised Statutes, 18-7-107, amend  
26 (1)(a) introductory portion; and add (2.5) as follows:

27 **18-7-107. Posting a private image for harassment - definitions.**

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

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

12 **SECTION 6.** In Colorado Revised Statutes, 18-7-108, **amend**  
13 (1)(a) introductory portion; and **add** (2.5) as follows:

14 **18-7-108. Posting a private image for pecuniary gain -**  
15 **definitions.** (1) (a) An actor who is eighteen years of age or older  
16 commits the offense of posting a private image for pecuniary gain if ~~he~~  
17 ~~or she~~ THE ACTOR posts or distributes through social media or any website  
18 any photograph, video, or other image displaying the REAL OR SIMULATED  
19 private intimate parts of an identified or identifiable person eighteen years  
20 of age or older or an image displaying sexual acts of an identified or  
21 identifiable person:

22 (2.5) IT IS NOT A DEFENSE TO AN ALLEGED VIOLATION OF THIS  
23 SECTION THAT THE IMAGE IS PARTIALLY DIGITALLY CREATED OR ALTERED  
24 OR THAT THE PRIVATE INTIMATE PARTS WERE DIGITALLY CREATED OR  
25 ALTERED.

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

1            **18-7-109. Posting, possession, or exchange of a private image**  
2 **by a juvenile - definitions - penalties.** (8) As used in this section,  
3 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

8            =====  
9            **SECTION 8. Act subject to petition - effective date -**  
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
11 the expiration of the ninety-day period after final adjournment of the  
12 general assembly; except that, if a referendum petition is filed pursuant  
13 to section 1 (3) of article V of the state constitution against this act or an  
14 item, section, or part of this act within such period, then the act, item,  
15 section, or part will not take effect unless approved by the people at the  
16 general election to be held in November 2024 and, in such case, will take  
17 effect on the date of the official declaration of the vote thereon by the  
18 governor.

19            (2) This act applies to offenses committed and claims filed on or  
20 after the applicable effective date of this act.