

Sex Crimes: Definitions and Penalties Colorado

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Sexual Assault

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if: <ul style="list-style-type: none"> • The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; • The actor knows that the victim is incapable of appraising the nature of the conduct; • The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; • At the time of the commission of the act, the victim is less than 15 years of age and the actor is at least four years older than the victim and is not the spouse of the victim; • At the time of the commission of the act, the victim is at least 15 years of age but less than 17 years of age and the actor is at least 10 years older than the victim and is not the spouse of the victim; • The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; • The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or • The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.
What are the punishments for this crime?	<ul style="list-style-type: none"> • Sexual assault is a class 4 felony punishable by 2-6 years' incarceration and 3 years parole and up to \$500,000 fine, except as provided below. • Sexual assault of a physically helpless victim is a class 3 felony punishable by 4-12 years' incarceration, 3 years' parole, and up to a \$750,000 fine. Separately, sexual assault in any of the above circumstances is a class 3 felony, punishable by the same incarceration period and fine, if attended by any one or more of the following circumstances: <ul style="list-style-type: none"> • The actor causes submission of the victim through the actual application of physical force or physical violence; • The actor causes submission of the victim by threat of imminent death, serious bodily injury, extreme pain, or kidnapping, to be inflicted on anyone, and the victim believes the actor has the present ability to execute these threats; • The actor causes submission of the victim by threatening to retaliate in the future against the

- victim, or any other person, and the victim reasonably believes the actor will execute this threat (to “retaliate” includes threats of kidnapping, death, serious bodily injury, or extreme pain); or
- The actor has substantially impaired the victim’s power to appraise or control the victim’s conduct by employing, without the victim’s consent, any drug, intoxicant, or other means for the purpose of causing submission.
- Any of the above acts are a class 2 felony punishable by 8-24 years’ incarceration, 5 years’ parole, and up to \$1,000,000 fine if:
 - The actor is physically aided or abetted by one or more other persons in the commission of the sexual assault;
 - The victim suffers serious bodily injury; or
 - The actor is armed with a deadly weapon or an article used or fashioned in a manner to cause a person to reasonably believe the article is a deadly weapon or represents verbally or otherwise that the actor is armed with a deadly weapon and uses the deadly weapon, article, or representation to cause submission of the victim.
 - **Note:** Sexual assault may be subject to increased penalties as a “crime of violence” under Colo. Rev. Stat. § 18-1.3-406.
 - **Note:** See certain increased penalties for sexual offenses in Colo. Rev. Stat. § 18-1.3-1004.
 - **Note:** Habitual offenders of the crime of sexual assault or sexual assault as a “crime of violence” are subject to increased penalties under Colo. Rev. Stat. § 18-1.3-801.
 - A person convicted of sexual assault under this section on or after July 1, 2013 shall be advised by the court that the person has no right:
 - To notification of the termination of parental rights and no standing to object to the termination of parental rights for a child conceived as a result of the commission of that offense;
 - To allocation of parental responsibilities, including parenting time and decision-making responsibilities for a child conceived as a result of the commission of that offense;
 - Of inheritance from a child conceived as a result of the commission of that offense; and
 - To notification of or the right to object to the adoption of a child conceived as a result of the commission of that offense.

Anything else I should know?

The following definitions are relevant, and apply, to this crime:

- **Actor:** the person accused of the sexual offense.
- **Consent:** cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent.
- **Physically helpless:** unconscious, asleep, or otherwise unable to indicate willingness to act.
- **Sexual intrusion:** any intrusion, however slight, by any object or any part of a person’s body, except the mouth, tongue, or penis, into the genital or anal opening of another person’s body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification, or abuse.

	<ul style="list-style-type: none"> • Sexual penetration: sexual intercourse, cunnilingus, fellatio, anilingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration, however slight, is sufficient to complete the crime. • Victim: the person alleging to have been subjected to a criminal sexual assault.
Statutory citation(s):	Colo. Rev. Stat. §§ 18-1.3-401, 18-3-401, 18-3-402, and 18-1.3-801

Unlawful Sexual Contact

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • An actor commits unlawful sexual contact when the actor knowingly touches “the victim’s intimate parts” with “the purposes of sexual arousal, gratification, or abuse,” § 18-3-401(4), C.R.S. (2017), and “knows that the victim does not consent,” § 18-3-404(1)(a), C.R.S. (2017). See <i>Page v. People</i>, 2017 CO 88, ¶ 13, 402 P.3d 468 (Co. 2017). • An actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if: <ul style="list-style-type: none"> • The actor knows that the victim does not consent; • The actor knows that the victim is incapable of appraising the nature of the victim’s conduct; • The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; • The actor has substantially impaired the victim’s power to appraise or control the victim’s conduct by employing, without the victim’s consent, any drug, intoxicant, or other means for the purpose of causing submission; • The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit; or • The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices. • An actor also commits unlawful sexual conduct if, with or without sexual contact, the actor knowingly induces or coerces a person under the age of 18, using any of the means listed in §18-3-402 (See Sexual Assault above), to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor’s own
What are the punishments for this crime?	<ul style="list-style-type: none"> • Unless otherwise specified above, unlawful sexual contact is a class 1 misdemeanor of extraordinary risk and is punishable by not more than one year imprisonment and/or no more than a \$1,000 fine. • Any of the above acts is a class 4 felony if the actor compels the victim to submit by use of force, intimidation, or threat. <ul style="list-style-type: none"> • Note: Class 4 felonies are punishable by 2-6 years’ incarceration, 3 years’ parole, and up to

	<p>\$500,000 fine, but this offense may be subject to increased mandatory sentencing under Colo. Rev. Stat. Ann. §§ 18-1.3-406 and 18-1.3-1004.</p> <ul style="list-style-type: none"> • Note: Habitual offenders of the crime of unlawful sexual contact or unlawful sexual contact as a “crime of violence” are subject to increased penalties under Colo. Rev. Stat. § 18-1.3-801. • A person convicted of unlawful sexual contact under this section on or after July 1, 2013 shall be advised by the court that the person has no right: <ul style="list-style-type: none"> • To notification of the termination of parental rights and no standing to object to the termination of parental rights for a child conceived as a result of the commission of that offense; • To allocation of parental responsibilities, including parenting time and decision-making responsibilities for a child conceived as a result of the commission of that offense; • Of inheritance from a child conceived as a result of the commission of that offense; and • To notification of or the right to object to the adoption of a child conceived as a result of the commission of that offense.
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Actor: the person accused of the sexual offense. • Consent: cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent. • Intimate parts: the external genitalia or the perineum or the anus or the buttocks or the pubes or the breast of any person. • Physically helpless: unconscious, asleep, or otherwise unable to indicate willingness to act. • Sexual contact: the knowing touching of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or the knowing touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse; the knowing emission or ejaculation of seminal fluid onto any body part of the victim or the clothing covering any body part of the victim; or knowingly causing semen, blood, urine, feces, or a bodily substance to contact any body part of the victim or the clothing covering any body part of the victim if that contact with semen, blood, urine, feces, or bodily substance is for the purpose of sexual arousal, gratification, or abuse. • Sexual intrusion: any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue, or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification, or abuse. • Sexual penetration: sexual intercourse, cunnilingus, fellatio, anilingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration, however slight, is sufficient to complete the crime. • Victim: the person alleging to have been subjected to a criminal sexual assault.
Statutory citation(s):	Colo. Rev. Stat. Ann. §§ 18-3-404, 18-1.3-401, 18-1.3-505 and 18-1.3-801

Sexual Assault on a Child

Question	Answer
How is it defined?	<p>An actor who knowingly subjects a person who is not the offender's spouse to sexual contact commits sexual assault on a child if the victim is less than 15 years of age and the actor is at least four years older than the victim.</p> <p>Note: Sexual assault on a child by a person in a position of trust is punishable under §18-3-405.3 and may carry a more severe punishment.</p>
What are the punishments for this crime?	<ul style="list-style-type: none"> • Except as specified below, sexual assault on a child is a class 4 felony, punishable by 2-6 years' incarceration and 3 years' parole, and up to \$500,000 fine. • Sexual assault on a child is a class 3 felony punishable by 4-12 years' incarceration and 3 years' parole and up to \$750,000 fine if: <ul style="list-style-type: none"> • The actor applies force against the victim in order to accomplish or facilitate sexual contact (this conduct may be to subject to increased mandatory sentencing under Colo. Rev. Stat. Ann. §§ 18-1.3-406 and 18-1.3-1004); or • The actor, in order to accomplish or facilitate sexual contact, threatens imminent death, serious bodily injury, extreme pain, or kidnapping against the victim or another person, and the victim believes that the actor has the present ability to execute the threat; or • The actor, in order to accomplish or facilitate sexual contact, threatens retaliation by causing in the future the death or serious bodily injury, extreme pain, or kidnapping against the victim or another person, and the victim believes that the actor will execute the threat; or • The actor commits the offense as a part of a pattern of sexual abuse (this conduct may be to subject to increased mandatory sentencing under Colo. Rev. Stat. Ann. §18-1.3-406). No specific date or time must be alleged for the pattern of sexual abuse; except that the acts constituting the pattern of sexual abuse, whether charged in the information or indictment or committed prior to or at any time after the offense charged in the information or indictment, shall be subject to the provisions of § 16-5-401(1)(a) concerning sex offenses against children. The offense charged in the information or indictment shall constitute one of the incidents of sexual contact involving a child necessary to form a pattern of sexual abuse. • A person convicted of sexual assault under this section on or after July 1, 2013 shall be advised by the court that the person has no right: <ul style="list-style-type: none"> • To notification of the termination of parental rights and no standing to object to the termination of parental rights for a child conceived as a result of the commission of that offense; • To allocation of parental responsibilities, including parenting time and decision-making responsibilities for a child conceived as a result of the commission of that offense;

	<ul style="list-style-type: none"> • Of inheritance from a child conceived as a result of the commission of that offense; and • To notification of or the right to object to the adoption of a child conceived as a result of the commission of that offense. <p>• Note: Habitual offenders of the crime of sexual assault or sexual assault as a “crime of violence” are subject to increased penalties under Colo. Rev. Stat. § 18-1.3-801.</p>
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Actor: the person accused of the sexual offense. • Pattern of sexual abuse: the commission of two or more incidents of sexual contact involving a child when such offenses are committed by an actor upon the same victim. • Position of trust: includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act. • Sexual contact: the knowing touching of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or the knowing touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse. • Victim: the person alleging to have been subjected to a criminal sexual assault.
Statutory citation(s):	Colo. Rev. Stat. Ann. §§18-3-405, 18-1.3-406, 18-1.3-401 and 18-1.3-801.

Statutory Rape

Question	Answer
How is it defined?	<ul style="list-style-type: none"> • Sexual assault: An offender violates §18-3-402 if the actor knowingly inflicts sexual intrusion or sexual penetration on a victim and: <ul style="list-style-type: none"> • The victim is less than 15 years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or • The victim is at least 15 years of age but less than 17 years of age and the actor is at least 10 years older than the victim and is not the spouse of the victim. • Sexual assault on a child: An actor who knowingly subjects a person who is not the offender's spouse to sexual contact commits sexual assault on a child if the victim is less than 15 years of age and the actor is at least four years older than the victim

<p>What are the punishments for this crime?</p>	<ul style="list-style-type: none"> • Sexual assault: <ul style="list-style-type: none"> • If the victim is less than 15 years of age and the actor is at least four years older than the victim and is not the spouse of the victim, punishable as a class 4 felony: 2-6 years' incarceration and 3 years' parole, and up to \$500,000 fine, or • If the victim is at least 15 years of age but less than 17 years of age and the actor is at least 10 years older than the victim and is not the spouse of the victim, punishable as class 1 misdemeanor of extraordinary risk: 6-24 months imprisonment and up to \$5,000 fine. • Sexual assault on a child: See punishments above in sexual assault on a child. • Note: Habitual offenders of the crime of sexual assault or sexual assault as a "crime of violence" are subject to increased penalties under Colo. Rev. Stat. § 18-1.3-801.
<p>Anything else I should know?</p>	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Actor: the person accused of the sexual offense. • Sexual contact: the knowing touching of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or the knowing touching of the clothing covering the immediate area of the victim's or actor's intimate parts if that sexual contact is for the purposes of sexual arousal, gratification, or abuse. • Sexual intrusion: any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue, or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification, or abuse. • Sexual penetration: sexual intercourse, cunnilingus, fellatio, anilingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration, however slight, is sufficient to complete the crime. • Victim: the person alleging to have been subjected to a criminal sexual assault.
<p>Statutory citation(s):</p>	<p>Colo. Rev. Stat. §§ 18-3-402, 18-3-405, 18-1.3-401 and 18-1.3-801.</p>

Sodomy

Question	Answer
<p>How is it defined?</p>	<ul style="list-style-type: none"> • Colorado does not prohibit sodomy between consenting adults. • Any state laws that outright prohibit sodomy are unconstitutional under <i>Lawrence v. Texas</i>, 539 U.S. 588 (2003).
<p>What are the punishments for this crime?</p>	<p>N/A</p>

Anything else I should know?	N/A
Statutory citation(s):	N/A