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BALLOT INITIATIVE 108: PENALTIES FOR HUMAN TRAFFICKING OF MINORS

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ABOUT COMMON SENSE INSTITUTE

Common Sense Institute is a non-partisan research organization dedicated to the protection and promotion of Colorado's economy. CSI is at the forefront of important discussions concerning the future of free enterprise and aims to have an impact on the issues that matter most to Coloradans. CSI's mission is to examine the fiscal impacts of policies, initiatives, and proposed laws so that Coloradans are educated and informed on issues impacting their lives. CSI employs rigorous research techniques and dynamic modeling to evaluate the potential impact of these measures on the economy and individual opportunity.

TEAMS & FELLOWS STATEMENT

CSI is committed to independent, in-depth research that examines the impacts of policies, initiatives, and proposed laws so that Coloradans are educated and informed on issues impacting their lives. CSI's commitment to institutional independence is rooted in the individual independence of our researchers, economists, and fellows. At the core of CSI's mission is a belief in the power of the free enterprise system. Our work explores ideas that protect and promote jobs and the economy, and the CSI team and fellows take part in this pursuit with academic freedom. Our team's work is informed by data-driven research and evidence. The views and opinions of fellows do not reflect the institutional views of CSI. CSI operates independently of any political party and does not take positions.

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INTRODUCTION

Voters this November will decide whether to approve Initiative 108, which would reclassify sexual trafficking of a minor as a class 1 felony, instituting mandatory life sentences for offenders without the possibility of parole. The measure would apply to offenses committed on or after January 1, 2027.

The initiative would also expand the offense of human trafficking of a minor for sexual servitude to include knowingly trading anything of monetary value to buy or sell sexual activity with a minor.

Initiative 108 comes in response to elevated levels of human trafficking in Colorado. A recent Common Sense Institute report found that in 2024, Colorado had the 15th-highest rate of human trafficking among all states and that, on average, 64% of trafficking victims were children.ⁱ Proponents of the measure argue that current penalties in Colorado law have failed to deter trafficking and that increased penalties will combat the problem.

This report examines the provisions of Initiative 108, the latest human trafficking data, and how penalties in Colorado compare to those in surrounding states.

KEY FINDINGS

- Initiative 108 would reclassify sexually trafficking a minor as a Class 1 felony, requiring life in prison with no possibility of parole.
- The state's current penalty ranges from 16–48 years, with parole possible.
- Colorado reported 60 human trafficking victims aged 0–19 in 2025, the 3rd-highest single-year count on record.
- Initiative 108 is projected to increase Department of Corrections costs by about \$50,000 in its first year of impact, with costs rising by roughly another \$50,000 each year as more offenders remain incarcerated.
- Six U.S. states currently punish sexual trafficking of minors with the same severity as proposed by Initiative 108.
- Legislation attempting to impose identical penalties failed during Colorado's most recent legislative session.

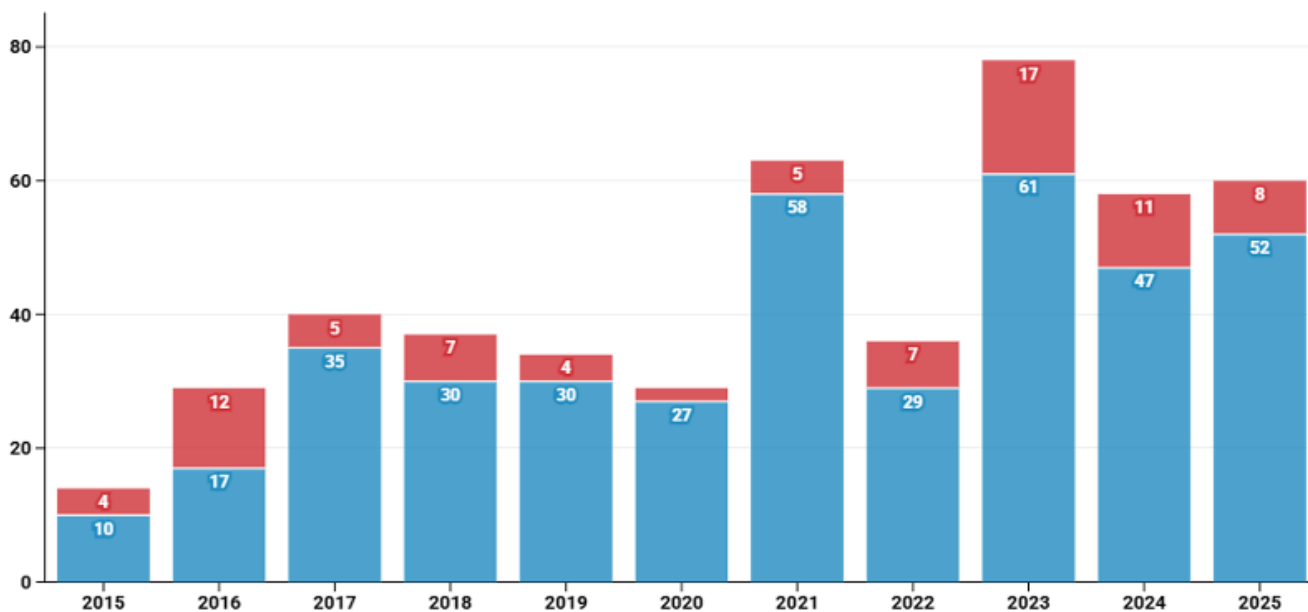
WHAT IS INITIATIVE 108?

Initiative 108 would reclassify the crime of sexual trafficking of a minor, currently punished by 16–48 years of imprisonment with possible parole, to a class 1 felony with mandatory life sentences and no chance of parole.

FIGURE 1.

Colorado Human Trafficking Victims, Age 0-19

■ Human Trafficking, Commercial Sex Acts ■ Human Trafficking Involuntary Servitude



Source: [Federal Bureau of Investigation](#)



The overwhelming majority of young trafficking victims in Colorado were subjected to commercial sexual exploitation, while only a small share were trafficked for involuntary servitude. Since 2015, the number of human-trafficking victims aged 0–19 has fluctuated but exhibited a clear upward trend.

The initiative’s fiscal note states that costs for the Department of Corrections will increase by about \$50,000 after accounting for longer incarceration and the reduced parole population. This cost will compound each year by an additional \$50,000 as more offenders remain incarcerated instead of being released. Eventually, costs will reach an equilibrium when the population increase from new offenders serving longer prison sentences is offset by a decrease from life sentences ending.ⁱⁱ

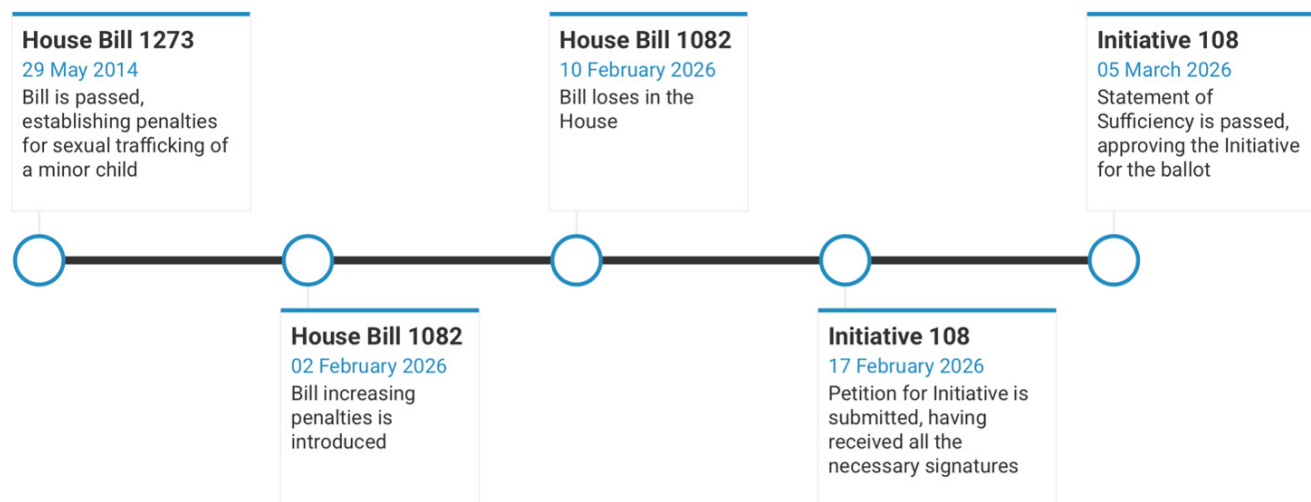
PREVIOUS LEGISLATIVE EFFORTS ON HUMAN TRAFFICKING

Prior to Initiative 108, laws governing sentencing for sexual trafficking of minor children were established in 2014 through House Bill 1273, which classified the crime as a class 2 felony (HB17-1172 instituted the 8–24–year sentences for class 2 felonies in effect today). 10 years later, SB24-035 designated the offense a “crime of violence,” keeping it as a class 2 felony but doubling its minimum and maximum sentences.ⁱⁱⁱ

During the 2026 Colorado legislative session, HB26-1082 proposed to reclassify sexual trafficking of a minor as a class 1 felony but failed to become law. Legislators who voted against the bill argued that a one-size-fits-all solution to trafficking strips judges of discretionary power and that additional demands on prison infrastructure would deepen the state’s tenuous financial circumstances. Protect Kids Colorado had already begun pursuing Initiative 108 as a parallel ballot effort in 2025. After HB26-1082 failed, the group submitted 169,775 petition signatures on February 17, the filing deadline, and the measure subsequently qualified for the 2026 statewide ballot.

FIGURE 2.

Timeline of Human Trafficking Penalties in Colorado



BORDERING STATES

Only six U.S. states have legislation in place laying out mandatory life sentencing with no parole, one being a state that borders Colorado (Arizona). Kansas imposes mandatory life sentences in cases with victims younger than 14-years-old but variable sentences otherwise. Utah updated its human trafficking statute in May of 2026, but without changing sentencing guidelines; the minimum penalty remains 10 years while the maximum is life imprisonment with the chance of parole.

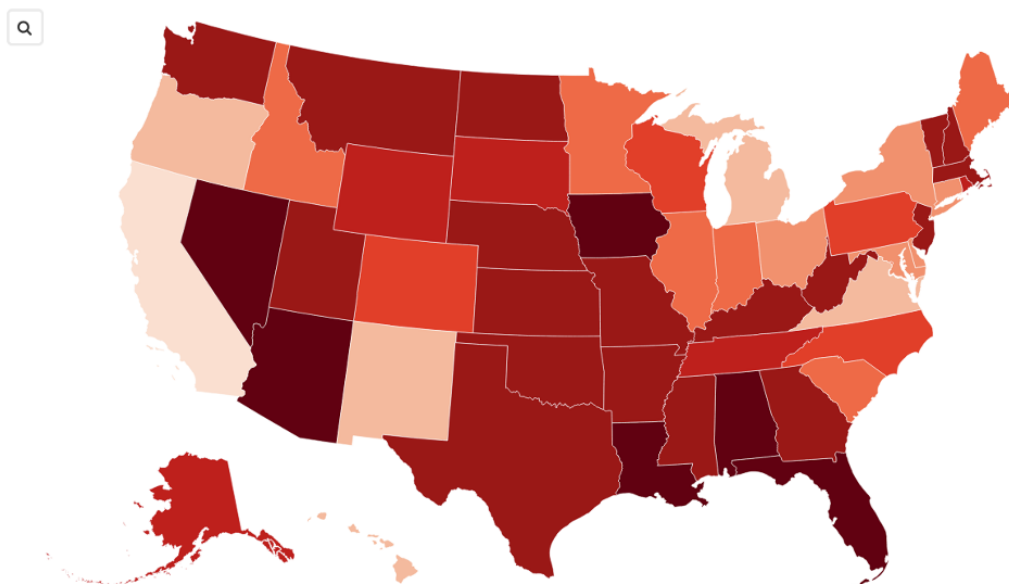
Nebraska imposes sentences between 20 years and life imprisonment, Oklahoma punishes offenders with 15 years to life, and sentences in Wyoming range from 25 to 50 years; offenders in each of these states can become eligible for parole. The least severe of the bordering states is New Mexico, where the maximum sentence is just 18 years.

Under Initiative 108, Colorado would be the 7th state to impose a mandatory life sentence for sex trafficking of minors. If passed, it would reinforce a nationwide trend towards harsher punishments for this crime.

FIGURE 3.

Baseline Sentences for Sexual Trafficking of Minors

■ Life
 ■ Life Possible
 ■ Maximum ≥ 50 Years
 ■ Maximum 31-49 Years
 ■ Maximum 26-30 Years
 ■ Maximum 21-25 Years
 ■ Maximum 16-20 Years
 ■ Maximum 11-15 Years





BOTTOM LINE

Initiative 108 would add to and amend the Colorado Revised Statutes, reclassifying the offense of sexual trafficking of a minor to a class 1 felony, establishing a mandatory life sentence with no chance of parole.

The measure comes to voters after similar provisions failed to pass during the 2026 legislative session. If approved, Initiative 108 would give Colorado one of the harshest penalties in the country, joining states like Nevada and Arizona.

SOURCES

- i. Human Trafficking in Colorado: 2025 Update – Common Sense Institute
- ii. Fiscal Summary
- iii. <https://leg.colorado.gov/bills/sb24-035>