

Mandatory Prison Sentences Already in Statute for Sexual Assault on a Child Crimes

1	Bodily Injury or Threat or Intimidation or Force	<ul style="list-style-type: none"> •Caused bodily injury to a victim or •used threat, [or] •intimidation or •force against a victim of any felony child sex crime listed in 18-3-411(1)	18-1.3-406(2)(b)(l)
2	Jessica’s Law	Penetration or Intrusion of a child under age 12 by a person age 18 or older and who is at least 10 years older than the child	18-3-1004(1)(e)(l)(A)-(C)
3	Pattern	Committed two or more incidents of sexual contact involving a child upon the same victim	18-3-401(2.5); 18-3-405(2)(d) & -405.3(2)(b); COLJI 3-4:36 & 3-4:42
4	Use of Force	Used force to accomplish or facilitate sexual contact (minor may not legally consent to sexual force)	18-3-405(2)(a); COLJI 3-4:33
5	Threat of Harm	Threatened imminent harm by death, serious bodily injury, extreme pain, or kidnapping of victim or another person to accomplish or facilitate the sexual contact	18-3-405(2)(b); COLJI 3-4:34
6	Threat of Retaliation	Threatened future retaliation to cause death, serious bodily injury, extreme pain, or kidnap victim or another person	18-3-405(2)(c); COLJI 3-4:35
7	Inducing exposure of intimate parts or sexual contact with minor	With or without sexual contact, induced or coerced a child under 18 to expose intimate parts or engage in sexual contact with another person for the defendant’s own sexual gratification through any one of the 8 means described in 18-3-402(1): <ul style="list-style-type: none"> (a) child did not consent or (b) child was incapable of appraising the nature of their conduct or (c) child submitted erroneously, believing the defendant to be their spouse or (d) child was less than 15 years old and the defendant was at least 4 years older and not their spouse or (e) child was 15 or 16 years old and the defendant was at least 10 years old and not their spouse or (f) child was in custody of law or detained in a hospital or other institution and defendant had supervisory or disciplinary authority over the person and used that position of 	18-3-404(1.5)(defining one subsection of the crime of Unlawful Sexual Contact) which can be committed by any means described in COLJI 3-4:01 to 3-4:09

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		<p>authority to coerce the person to submit and the act was not incident to a lawful search or</p> <p>(g) defendant was purporting to offer a medical service and engaged in treatment or examination of the child for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices or</p> <p>(h) child was physically helpless and defendant knew child was physical helpless and had not consented</p>	
8	Knowledge HIV Positive	Had knowledge of HIV positive status prior to committing intercourse	18-1.3-1004(1)(d); COLJI 3-4:37 & 43
9	Kidnapping a Sexual Offense Victim	Knowingly seized and carried a person from one place to another without the person's consent and without lawful justification and such movement increased the risk of harm to the person and the person kidnapped was the victim of a sexual offense.	18-3-302(2 & 3); COLJI 3-3:02 & 3:07 (defining the offense of kidnapping)
10	Sexual Trafficking of a Minor	<ul style="list-style-type: none"> Knowingly sold, recruited, harbored, transported, transferred, isolated, enticed, provided, received, obtained by any means, maintained, or made available a person less than 18 years of age for the purpose of commercial sexual activity or Knowingly advertised, offered to sell, or sold travel services that facilitate human trafficking of a minor for sexual servitude. 	18-3-504(2)(a)(I) & (III)
11	Used a Deadly Weapon	Used, or possessed and threatened the use of, a deadly weapon	18-1.3-406(2)(a)(I)(A)
12	Habitual Sex Offender Against Children if One Prior Child Sex Crime	Every person convicted in this state of an unlawful sexual offense [as defined in 18-3-412(1)'s list of child sex crimes] who has been previously convicted upon charges prior to the commission of the present act, which were separately brought, either in this state or elsewhere, of an unlawful sexual offense or who has been previously convicted under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States of an unlawful act that, if committed within this state, would be an unlawful sexual offense	18-3-412(2)


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For Informational Purposes re: HB25-1073, Office of the State Public Defender, Feb. 9, 2025: 2

DEFINITIONS:

<i>Bodily Injury</i>	Physical pain, illness, or any impairment of physical or mental condition.	18-1-901(3)(c); COLJI F:36
<i>Deadly Weapon</i>	A firearm, whether loaded or unloaded or a knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.	18-1-901(3)(e); COLJI F:88
<i>Force</i>	“The court defined ‘physical force’ as ‘ force applied to the body ’ and ‘physical violence’ as ‘the unjust or unwarranted exercise of physical force.’ ... ‘Physical force’ and ‘physical violence’ are not defined in §§ 18–3–402 or 18–3–404, in any other provision in the criminal code, or in any pattern jury instruction. [O]ther courts have concluded that those definitions of ‘physical force’ and ‘violence’ are accurate.”	<i>People v. Holwuttle</i> , 155 P.3d 447, 449–50 (Colo. App. 2006) (emphasis added; internal citations omitted)
<i>Serious Bodily Injury</i>	Bodily injury that, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, a penetrating knife or penetrating gunshot wound, or 2 nd or 3 rd degree burns.	18-1-901(3)(p) & (c); COLJI F:332 & F:36
<i>Sexual Contact</i>	<ul style="list-style-type: none"> • 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 contact is for the purposes of sexual arousal, gratification, or abuse or • 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 is for the purpose of sexual arousal, gratification, or abuse. 	18-3-401(4); COLJI F:337
<i>Sexual Intrusion</i>	Any intrusion, however slight, by an 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.	COLJI F:340; 18-3-401(5)
<i>Sexual Penetration</i>	Sexual intercourse, cunnilingus, fellatio, analingus, or anal intercourse. Emission need not be proved as an element of any sexual penetration. Any penetration during sexual intercourse, cunnilingus, fellatio, analingus, or anal intercourse, however slight, is sufficient.	COLJI F:343; 18-3-401(6)

In the
Supreme Court of the United States



FREE SPEECH COALITION, INC., ET AL,
Petitioners,

v.

KEN PAXTON, ATTORNEY GENERAL OF TEXAS,
Respondent.

On Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

BRIEF OF AMICI CURIAE
JACO BOOYENS MINISTRIES (JBM),
ILONKA DEATON, AND TAMI BROWN RODRIQUEZ
IN SUPPORT OF RESPONDENT
KEN PAXTON, ATTORNEY GENERAL OF TEXAS

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INTEREST OF THE AMICI CURIAE

JACO BOOYENS MINISTRIES (JBM)¹ is one of the largest and most active anti-trafficking organizations in Texas, with over 250,000 members, followers, and supporters. JBM's interest in this case stems from its mission to protect children's innocence, empower families, and combat the dangers of harmful online content, particularly pornography.

JBM's interest is aligned with the greater good and reflects its members' concerns about the pervasive and unwanted exposure of minors to explicit material. Central to JBM's mission is advocating for robust legislative and policy measures that safeguard minors in digital spaces. The organization collaborates with policymakers, educators, and industry leaders to advance preventative strategies and enforceable protections.

A key component of JBM's work involves engaging in the judicial process to advocate for policies that prioritize child safety. JBM has previously filed amicus briefs² in cases concerning child exploitation, digital safety, and legislative protections for minors. This

¹ Pursuant to Sup. Ct. Rule 37.6, counsel for all parties have consented to the filing of this brief. No counsel for a party authored this brief in whole or in part and no person or entity other than amicus, its members, or counsel made a monetary contribution to its preparation or submission.

² See *Justice for Benefiting Minors. JBM Amicus Brief Filed in the Ninth Circuit Court of Appeals Advocating for Stronger Protections Against Online Child Exploitation. Kids Online Safety Act (KOSA) chambers of the 118th U.S. Congress. S.1409. H.R.7891.*

case presents critical questions surrounding the government's responsibility to shield minors from harmful materials in the digital age, which is of national interest.

Children's exposure to sexually explicit content through digital platforms continues to rise at alarming rates. Studies³ show that 93% of boys and 62% of girls encounter pornography online before the age of 18, often as early as 12 years old (American Psychological Association, 2023)⁴. JBM's interest lies in addressing the underlying societal crisis and ensuring that the courts and policymakers enact protections that reflect the urgency of this problem.

JBM's interest also extends to addressing the neurological, psychological, and societal effects of early exposure to pornography. Research, including MRI studies by the Max Planck Institute, demonstrates that such exposure can rewire neural pathways in a manner akin to substance addiction, impairing judgment and increasing the risk of compulsive behaviors (Max Planck Institute for Human Cognitive and Brain Sciences, 2004)⁵. These findings are of profound interest to JBM, as they underscore the developmental risks to adolescents, whose brains are still

³ Brown, J. D., & L'Engle, K. L. *Exposure to Internet Pornography Among Adolescents: A Review of the Research*, SEXUAL ADDICTION AND COMPULSIVITY, January 2012.

⁴ *Predictors and Psychosocial Consequences*. JOURNAL OF ADOLESCENT HEALTH, 40(5), 522–530. Kühn, S., & Gallinat, J. *The Brain on Porn*, JAMA PSYCHIATRY, no. 7 (2014): 827-834

⁵ Max Planck Institute for Human Cognitive and Brain Sciences, 2004.

maturing and thus particularly vulnerable to these effects.

The lack of adequate safeguards in digital environments compounds these risks. Minors frequently encounter harmful content through algorithm-driven⁶ recommendations on social media platforms, which prioritize engagement over safety. This exposure highlights the need for policies requiring age-verification measures and stricter content moderation to protect minors (THE WALL STREET JOURNAL⁷. The psychological impact of this exposure is significant, with studies linking it to increased rates of depression, anxiety, and compulsive sexual behaviors (JOURNAL OF ADOLESCENT HEALTH, 2022). These findings reinforce JBM's interest in advocating for comprehensive, enforceable safeguards for digital platforms.

JBM's vested interest in this case lies in its alignment with the organization's mission to promote robust protections that prioritize the developmental health and safety of children.

By supporting measures such as age-verification requirements, U.S. Congress. Kids Online Safety Act (KOSA), S.1409.⁸ Introduced in the 118th Congress,

⁶ Research published in the JOURNAL OF ADOLESCENT HEALTH has linked exposure to harmful digital content with significant psychological effects, including increased rates of depression, anxiety, and compulsive behaviors. (JOURNAL OF ADOLESCENT HEALTH, 2022).

⁷ THE WALL STREET JOURNAL. *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*. Published September 14, 2021.

⁸ *The Kids Online Safety Act* outlines provisions such as age-verification requirements, parental controls, and transparency

2024, parental controls, and transparency mandates, JBM aims to mitigate the risks associated with unwanted exposure to explicit material. These measures are in the best interest of children, families, and the broader community.

JBM believes that just as businesses and governments partner to solve large-scale problems, such as climate change, the protection of minors online requires collaboration among stakeholders United Nations Children's Fund (UNICEF). *Children in a Digital World: Creating Safe Digital Environments through Collaboration*. Effective solutions must involve the technology sector, policymakers, public health officials, and advocacy organizations. By supporting thoughtful legislation and judicial decisions, JBM continues to advance its interest in ensuring a safer digital future where children are nurtured in environments free from exploitation and harmful influences.

ILONKA DEATON'S interest in this case stems from her role as an expert advocate in human trafficking policy and as a survivor of six years of sex trafficking in the music industry. As the author of *Keeping Secrets*, which explores recovery from trauma and exploitation, and as a leader at The Reisman Institute and (JBM), she works to combat trafficking, protect minors, and raise awareness. Her advocacy includes drafting and crafting policies to ensure the protection of minors, developing training curricula, and providing impactful testimony before the Tennessee Judiciary Committee, which led to stricter penalties for traffickers. She is committed to advancing policies

mandates, aligning with JBM's commitment to child safety. (U.S. Congress, 2024)

that safeguard children from exploitation and harmful materials.

TAMI BROWN RODRIGUEZ'S interest in this case arises from her role as the Director of Policy for (JBM) and her expertise in human trafficking policy and advocacy. Her professional work is deeply informed by personal experience, as a family member who endured the devastating effects of trafficking for over 15 years after being groomed in a school setting. Ms. Rodriguez's advocacy focuses on crafting and advancing policies to protect the most vulnerable. Her leadership has earned recognition through awards such as the "Women in Business Award" from the *Dallas Business Journal* and "Professional Woman of the Year" from the National Association of Professional Women. Her work ensures that the voices of trafficking survivors and their families are represented in the creation of meaningful legislative and judicial protections.

Together, JBM, Ms. Deaton and Ms. Rodriguez bring decades of combined expertise and lived experience to this critical issue. Their professional and personal commitments to the protection of minors and the prevention of human trafficking underscore the necessity of this Court's attention to policies ensuring stringent safeguards against the exploitation of children. Through their advocacy and policy work, amici seek to assist the Court in understanding the broader societal implications of the issues presented in this case and the urgent need for effective measures to protect vulnerable populations.



SUMMARY OF ARGUMENT

In *Free Speech Coalition v. Paxton*, the Free Speech Coalition challenges (Texas House Bill 1181 (HB 1181) U.S. District Court Case No. 23-1122)⁹, on the grounds that its definition of “harmful materials to minors” may be overly broad, potentially restricting constitutionally protected speech and adult access to lawful content. H.B. 1181, mandates age verification for access to materials meeting this definition, aiming to prevent minors from exposure to content detrimental to their developmental health.

While the Coalition raises concerns about privacy and First Amendment rights, it does not dispute that some materials on its sites qualify as harmful to minors, affirming the state’s compelling interest in implementing age-verification measures to protect young audiences (American Psychological Association, 2023).

The law’s purpose is to address the unique vulnerabilities of minors online, striking a balance between free speech rights for adults and a secure digital environment for minors.

This policy objective aligns with historical protections. In *Ginsberg v. New York*, 390 U.S. 629

⁹ *Age-Verification Mandate* H.B. 1181, enacted by the Texas Legislature, mandates age-verification requirements for access to materials deemed harmful to minors, emphasizing the state’s compelling interest in protecting children. (Texas House Bill 1181 (2023)).

(1968)¹⁰, the U.S. Supreme Court upheld restrictions preventing minors from purchasing adult magazines, establishing public policy to protect children in physical spaces. Following *Ginsberg*, (U.S. Supreme Court. *Historical Standards for Material Accessibility and the Protection of Minors*. Referenced in *Ginsberg v. New York*, public standards required explicit materials to be placed in restricted areas out of minors' view in grocery stores, bookstores, and convenience stores. These restrictions reflected a commitment to safeguarding young audiences and became widely adopted in retail environments.

Today, the internet serves as the modern equivalent of grocery stores and bookstores, where minors can easily access harmful content without clear boundaries. Just as public policy once mandated that explicit materials be kept out of reach in physical settings, robust online regulations, such as age verification, are now essential to maintain the same level of protection in digital environments *Federal Communications Commission v. Pacifica Foundation*, 438 U.S. 726 (1978)¹¹.

¹⁰ *Ginsberg v. New York*, 390 U.S. 629 (1968). Historical public standards mandated that explicit materials be kept out of minors' view in retail environments, setting a precedent for safeguarding children in physical spaces. This principle parallels modern efforts to restrict minors' access to harmful content online. The internet now functions as a digital equivalent of traditional retail environments, where minors require protections similar to those implemented in the physical world to prevent exposure to harmful content.

¹¹ In *FCC v. Pacifica Foundation*, the Court recognized the government's authority to regulate indecent content in public media spaces, affirming the compelling interest in shielding

H.B. 1181¹² reflects this continuity in safeguarding minors, recognizing that online spaces must be governed by the same public interest standards that have long guided protections in physical spaces. Upholding H.B. 1181 reinforces these standards, supporting parents and society in their shared responsibility to foster a safer, age-appropriate digital landscape for minors.

This alignment between legislative intent and judicial precedent underscores the law’s rational and necessary role in modern digital safety policy.

The state’s duty to safeguard minors from harmful material finds solid grounding in constitutional law. In *Ginsberg v. New York*, the Supreme Court upheld a statute prohibiting the sale of obscene materials to minors, establishing that states have a “compelling interest in protecting the welfare of children.” Similarly, *Federal Communications Commission v. Pacifica Foundation*, 438 U.S. 726 (1978) reinforced the government’s authority to impose “time, place, and manner” restrictions on indecent material, recognizing that minors require unique protections. In its recent decision, the Fifth Circuit affirmed Texas’ age-verification requirement for accessing explicit online content, finding that these measures serve the state’s duty to protect minors (*Free Speech Coalition v. Paxton*, Fifth Circuit Court of Appeals, 2024). These cases collective-

minors from harmful exposure. (*FCC v. Pacifica Foundation*, 438 U.S. 726 (1978)).

¹² H.B. 1181 continues this tradition of protection, mandating age verification to restrict minors’ access to harmful digital content and uphold public interest standards in online spaces. (Texas House Bill 1181 (2023)).

ly demonstrate the evolving judicial stance acknowledging the need for modern digital safeguards.

Minors are not incidental users of platforms hosting explicit content; they are targeted victims of a predatory business model that disregards essential safeguards, including age boundaries and parental oversight (WALL STREET JOURNAL, *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*. Published September 14, 2021).¹³

The adult entertainment industry, empowered by digital platforms, prioritizes reach and profit, often at the expense of child welfare. This targeting occurs through accessible content, algorithms, and a lack of meaningful age-verification measures, exposing millions of children to material that harms cognitive, psychological, and social development.¹⁴

Unlike the physical world, where age restrictions moderate access, online spaces often lack equivalent safeguards, leaving minors vulnerable.

A child's exposure to explicit content may stem from innocuous search terms, unregulated ads, or social media algorithms inadvertently directing young users toward harmful material. Without comprehensive age-verification requirements, minors face unrestricted access to content that jeopardizes their

¹³ Unlike the physical world, where age restrictions moderate access to harmful materials, digital platforms often fail to enforce meaningful age-verification measures, leaving minors exposed. (WALL STREET JOURNAL, 2021).

¹⁴ *Max Planck Institute*, Human Cognitive Studies (2004).

developing minds (JOURNAL OF ADOLESCENT HEALTH, 2022)¹⁵.

The judiciary has both the power and duty to affirm age-verification measures as a practical, constitutionally sound, and morally essential response to this threat.

As the Fifth Circuit held in *Free Speech Coalition v. Paxton*, No. 23-50627 (5th Cir. Mar. 7, 2024), Texas' age-verification law is rationally related to the government's interest in preventing minors' access to explicit material.

This precedent represents a critical acknowledgment that safeguarding children from online harm is a constitutional imperative¹⁶ rooted in the state's responsibility to protect its most vulnerable citizens.

Age-verification laws are targeted measures that uphold the balance between individual freedoms and societal responsibility. By supporting such laws, the Court affirms that minors' welfare takes precedence over commercial interests. Upholding H.B. 1181, rein-

¹⁵ A study published in the JOURNAL OF ADOLESCENT HEALTH highlights how children's exposure to explicit content can result from seemingly innocuous search terms, unregulated advertisements, and social media algorithms, underscoring the need for age-verification measures. (JOURNAL OF ADOLESCENT HEALTH, 2022). The judiciary holds the responsibility to affirm age-verification laws as constitutionally sound and essential to protecting minors, especially given the harmful impacts of unrestricted access to explicit material on developing minds.

¹⁶ See the principle that children deserve a safe and supportive environment has long been a cornerstone of societal and legal frameworks, as exemplified by legislative and judicial efforts to protect minors from harmful influences. (*Ginsberg v. New York*, 390 U.S. 629 (1968)).

forces the principle that children deserve to grow in a healthy, secure, and supportive environment, a duty that reflects our societal values and legal principles.



ARGUMENT

I. Minors Are Vulnerable Targets of a Predatory Business Model That Exploits Loopholes in Parental and Adult Oversight

The adult entertainment industry's model relies on easy access¹⁷ and digital pervasiveness, making minors, often unintentionally, regular viewers of explicit content. The following subsections analyze how industry practices, digital architecture¹⁸, and the lack of regulatory oversight¹⁹ exploit this vulnerability.

A. Normalization Effects on Youth

With exposure rates as high as 93% for boys and 62% for girls before age 18, minors face a normalization

¹⁷ See *Ginsberg v. New York*, 390 U.S. 629, 641 (1968). Supporting the claim that minors are often unintentionally exposed to harmful materials, necessitating regulatory oversight.

¹⁸ *American Psychological Association (APA)*, Report (2023). *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786, 794 (2011). Risks of desensitization from early exposure to hypersexualized content.

¹⁹ *United States v. American Library Ass'n, Inc.*, 539 U.S. 194, 199-200 (2003). *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 241 (2002). Addresses the developmental dangers of pornography and its impact on adolescent socialization.

of hypersexualized content, leading to desensitization (American Psychological Association, 2023)²⁰.

Studies demonstrate that early exposure can distort perceptions of relationships and increase the risk for aggressive sexual behavior.

Such outcomes highlight the developmental dangers of pornography as it becomes integrated into the fabric of adolescent socialization and learning.

B. Definition of Harmful Materials and Agreed-upon Risk

Under H.B. 1181, “harmful materials to minors” encompasses any visual or written content that, while lawful for adult consumption, has been determined as detrimental for minors due to its sexually explicit nature.

This bill’s definition directly aligns with the opposition’s acknowledgment of their content as potentially harmful to minors²¹. Thus, the bill’s preventive measures, such as age verification, are not only reasonable but essential in safeguarding minors’ developmental health (*Free Speech Coalition v. Paxton*, 2024).

²⁰ The American Psychological Association reports that 93% of boys and 62% of girls encounter pornography online before age 18, underscoring the normalization of hypersexualized content and its desensitizing effects on youth. (*American Psychological Association*, 2023).

²¹ See American Psychological Association. *The Impact of Hypersexualized Media on Adolescents’ Development*. Published 2023.

C. Exposure to Inappropriate Content

Minors' online experiences are increasingly shaped by algorithm-driven content recommendations, which can inadvertently lead them to harmful materials, even when they begin with benign intentions.

Within Algorithm-Driven Content Recommendations²², studies indicate that social media algorithms commonly expose minors to inappropriate content, including material that promotes unrealistic body standards or unhealthy behaviors.

For instance, in 2021, THE WALL STREET JOURNAL reported that Instagram's algorithm directed teens who searched for topics such as "diet" or "fitness" to accounts endorsing eating disorders and harmful body image ideals. This troubling reality underscores how minors' typical online behaviors can inadvertently expose them to harmful or explicit content, prioritized by algorithms focused on engagement rather than safety.

Sexually Explicit Content²³ research reveals that approximately 1 in 5 children aged 9-17 have unintentionally encountered sexually explicit material online,

²² See Brown, J. D., & L'Engle, K. L. *Exposure to Internet Pornography Among Adolescents: Predictors and Psychosocial Consequences*. JOURNAL OF ADOLESCENT HEALTH, 71(3), 408–416. Published 2022.

²³ See Thorn. *Responding to Online Risks: A Research Report on Children's Exposure to Sexually Explicit Content Online*. Published 2020. Research by Thorn shows that approximately 1 in 5 children aged 9-17 unintentionally encounter sexually explicit material online, often due to algorithms that recommend related content based on seemingly innocuous search terms. (*Thorn Report*, 2020).

often due to algorithms that recommend related content based on innocuous search terms (*Thorn Report*, 2020). Furthermore, the average recovery period of childhood explicit exposure is three times longer than the duration of the initial exposure²⁴.

D. Psychological Impacts on Minors

The psychological impact of pornography exposure on minors is profound and far-reaching, affecting their mental health, self-image, and behavioral development in troubling ways.

Minors exposed to pornography online face increased risks of self-harm, eating disorders, engagement with traffickers, and self-exploitation, all of which can have lasting effects on their well-being and development (*National Center on Sexual Exploitation*, 2022)²⁵.

II. Mental Health Consequences: Depression, Anxiety, and Self-Harm

Research increasingly demonstrates²⁶ the mental health risks that early exposure to pornography poses

²⁴ Ilonka Deaton’s *“Keeping Secrets”* (2016) reveals that the average recovery period for childhood trauma and exposure to pornography is three times longer than the duration of the initial exposure.

²⁵ *The National Center on Sexual Exploitation* highlights that minors exposed to online pornography are at greater risk for self-harm, eating disorders, engagement with traffickers, and self-exploitation, with long-term consequences for their development and well-being. (*National Center on Sexual Exploitation*, 2022).

²⁶ Studies show that exposure to pornography during adolescence is correlated with increased rates of depression, anxiety, and

for young people, linking it to a rise in depression, anxiety, and self-harm.

The American Psychological Association (APA) has reported that adolescents who view sexually explicit material at a young age are more likely to experience heightened feelings of shame, confusion, and isolation as they struggle to understand or contextualize what they've seen (APA, 2023). These feelings can lead to anxiety and depression, particularly as young viewers internalize distorted beliefs about intimacy, body image, and relationships.

A longitudinal study by the National Institutes of Health (NIH)²⁷ found that adolescents who viewed pornography frequently displayed higher levels of depressive symptoms and self-harming behaviors, stemming from feelings of inadequacy and body dissatisfaction (NIH 2020). The JOURNAL OF ADOLESCENT HEALTH also found that early exposure to pornographic material correlates with increased psychological distress, as adolescents often experience social withdrawal or feelings of alienation from peers (JOURNAL OF ADOLESCENT HEALTH, 2022).

self-harm, emphasizing the profound mental health risks posed by such early exposure. (JOURNAL OF ADOLESCENT HEALTH, 2022).

²⁷ See A longitudinal study by the *National Institutes of Health* (NIH) found that frequent exposure to pornography during adolescence is associated with higher levels of depressive symptoms and self-harming behaviors, often stemming from body dissatisfaction and feelings of inadequacy. (*National Institutes of Health*, 2020).

III. Parental Controls Are Insufficient

While parents can apply home-based content filters, they are ultimately powerless to prevent children from accessing the same harmful material through school-provided resources, such as software platforms EBSCO and GALE²⁸ databases. These educational platforms, while valuable for research, have been shown to contain sexually explicit content that meets H.B. 1181's²⁹ harmful materials definition (Thorn Report, 2020). Schools, inadvertently, act as loopholes, circumventing parental controls and exposing minors to content parents actively seek to restrict.

V. Distorted Self-Image and Eating Disorders

The portrayal of bodies in pornography³⁰ can have a detrimental effect on minors' self-image.

Often, pornographic content presents hyper-sexualized and unrealistic body standards that adolescents may internalize as benchmarks for attractiveness or desirability. According to a 2022 Pew Research Center³¹ report, 32% of teenage girls and 14% of boys

²⁸ See Parental controls applied at home are insufficient to prevent access to harmful material through school-provided resources, such as EBSCO and GALE databases, which have been shown to contain content meeting

²⁹ See H.B. 1181's definition of harmful materials.

³⁰ (*Thorn Report*, 2020). Research by Thorn highlights that school-provided educational platforms can inadvertently expose minors to sexually explicit content, circumventing parental attempts to restrict access.

³¹ See *Pew Research Center*, 2022. Pornographic content often presents hyper-sexualized and unrealistic body standards that adolescents may internalize, leading to distorted benchmarks for

reported feeling worse about their bodies after viewing online content (Pew Research Center, 2022).

The JOURNAL OF ADOLESCENT HEALTH³² has reported that minors exposed to such material have a significantly higher likelihood of developing body dysmorphia and engaging in disordered eating patterns, which can be exacerbated by repeated exposure (JOURNAL OF ADOLESCENT HEALTH, 2022).

attractiveness and desirability. A 2022 Pew Research Center report found that 32% of teenage girls and 14% of boys felt worse about their bodies after viewing online content, illustrating the detrimental impact of such material on adolescent self-esteem. (*Pew Research Center, 2022*).

³² The JOURNAL OF ADOLESCENT HEALTH reported that minors exposed to hyper-sexualized material are significantly more likely to develop body dysmorphia and engage in disordered eating patterns, risks exacerbated by repeated exposure. (JOURNAL OF ADOLESCENT HEALTH, 2022).



CONCLUSION

The evidence is overwhelming: the need for age verification in digital spaces is not just a modern adaptation but a necessary evolution of longstanding public policy aimed at protecting minors. The adult entertainment industry's practices expose minors to explicit content through engagement-focused algorithms, unregulated online platforms, and educational loopholes in schools, exploiting digital architecture in ways that traditional safeguards were designed to prevent. This exposure poses significant risks to minors, including distorted self-image, increased vulnerability to online exploitation, and heightened risks of mental health issues.

In cases such as *Ginsberg v. New York* and *FCC v. Pacifica Foundation*, the judiciary has repeatedly affirmed that protecting children from harmful content is a compelling state interest that justifies limitations on otherwise protected speech. H.B. 1181 and similar state-level age-verification laws build upon this precedent, introducing the necessary checks in digital spaces to ensure that minors are shielded from inappropriate content as they would be in physical stores. As more states adopt similar measures, a cohesive federal framework becomes essential to harmonize these protections across the nation.

Amici respectfully submits that this Court has the opportunity to affirm the constitutionality of these protections, balancing First Amendment rights with the state's obligation to safeguard minors' well-being. Judicial support for age-verification laws will

validate states' efforts, encouraging digital platforms to prioritize child safety over engagement metrics.

Upholding H.B. 1181, sends a clear message: society's duty to protect minors transcends commercial interests and digital convenience, asserting that minors deserve the same protections online as they have in the physical world.

This ruling would not only affirm a constitutional duty but also reinforce our collective commitment to fostering a safe, supportive environment where children can develop free from the risks of premature exposure to explicit content.

Respectfully submitted,

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Counsel for Amici Curiae

November 22, 2024



LCS Committees <committees.lcs.ga@coleg.gov>

HB25-1194

1 message

David Frost <yesmaam8822@gmail.com>
To: committees.lcs.ga@coleg.gov

Wed, Mar 12, 2025 at 2:11 PM

Testimony in Support of HB25-1194

Chairman and members of the committee, thank you for allowing me to speak today.

My name is David Frost, and I'm here to support HB25-1194. My testimony comes from the most painful experience a parent can endure - the loss of my daughter to domestic violence.

Throughout my daughter's relationship, her partner systematically stripped away her financial independence. Despite their household having money for his wants and needs, she never had funds to join family gatherings or maintain connections with us. He prevented her from working, establishing her own bank account, or accessing their shared finances.

When the abuse escalated and she desperately needed to leave, she had no financial path to freedom. With no credit history, no savings, and no independent income, she was effectively trapped. This financial captivity ultimately contributed to her death - a tragedy that might have been prevented had she possessed the economic means to escape.

HB25-1194 addresses a critical aspect of domestic violence that often goes unrecognized. Economic abuse and coerced debt are powerful tools abusers use to maintain control. By providing relief from debts incurred through coercion and adding economic abuse to protection order provisions, this bill creates vital pathways to safety for victims.

Had these protections existed, my daughter might have had options to rebuild her life independently. I urge you to pass HB25-1194 so that other families don't have to experience the devastating loss that mine has endured.

Thank you for your consideration.

House Judiciary

03/12/2025 01:30 PM

HB25-1073 Protections Against Child Rape

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Missy Espinoza For herself</p>	<p>This bill should be a an easy yes vote. We should NOT allow rapists of children to be given probation. Can you imagine what the child and parents must feel like when that happens?</p> <p>Colorado ranks high in human trafficking, and sexual assault on children is part of that dark reality. Mandatory sentencing will send a message to predators We WILL lock you up.</p> <p>It will give victims a chance at justice. Peace of mind knowing the predator who raped them will not be able to hurt them or anyone else because they will be in a cage. Like they SHOULD be.</p> <p>It will send a message to voters that you don't protect pedophiles. Vote yes on this bill.</p>
<p>Jeany Rush For herself</p>	<p>TO: HOUSE JUDICIARY COMMITTEE RE: HB25-1073 PROTECTIONS AGAINST CHILD RAPE SPONSORS: BRADLEY, ENGLISH FROM: JEANY RUSH, COLORADO SPRINGS CONSTITUENT VOTE: YES 3-12-25</p> <p>This bill fortifies the need to truly protect our innocents who have been raped, molested, and traumatized in other ways by a "Person of trust" and actually anyone who is doing harm to a child.</p> <p>There need to be strong consequences, because while the offender does their time, and then would get out of prison, the trauma, memory, and impacts on the victim are for a lifetime. The harm is often mental and physical. Often those young people are not only vulnerable in recovery, but many years into the future. Sadly, many of our supposed counselors are targeting harmed youth to attempt to fit them into gender affirmation therapy, aka mutilation therapy.</p> <p>When these innocent victims are harmed, they cannot escape the area, or their experience. They have to learn how to adapt, and overcome this and it takes a lot of</p>

	<p>help, love, and care. The damage to the innocents, the victims extends to their entire families, who also suffer the trauma of one of their family members being harmed. And THAT IS SADLY TOO OFTEN A DISASTER OF EPIC PROPORTIONS. It rips out all of their guts, and is beyond painful. Entire families need help through this trauma!</p> <p>Giving the criminals more access to others, would be the height of</p> <p>Insult, and demonstrates the recent trend to punish victims, not the criminals, offenders.</p> <p>Support of this bill will sound a note to the offender, that they cannot do this, and just walk away, while the people, children they have harmed, will have to live with this for the rest of their lives.</p> <p>It is a firm YES on this bill</p>
<p>Tom Raynes For Colorado District Attorneys Council</p>	<p>On behalf of all 23 District Attorneys CDAC supports this bill. District Attorney Geroge Brauchler will be testifying live on behalf of his office (the 23rd JD) and CDAC. CDAC Sexual Assault Prosecutor Jessica Dotter will be available for questions only.</p>

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March 12, 2025

Colorado General Assembly
House Judiciary Committee
200 E Colfax Avenue
Denver, CO 80203

RE: Opposition to HB25-1073

Dear Mr. Chair and Members of the Committee:

My name is Andrew Sidley-MacKie. I served the people of Colorado for over five years as a public defender, first in Trinidad and Walsenburg and then in Greeley. For the past year, I have continued to serve primarily poor and disadvantaged Coloradans in private practice. Most of my current work is as a contractor for the Office of Alternate Defense Counsel, though I also work as a Guardian *ad litem* and Counsel for Youth as a contractor for the Office of the Child's Representative. I am also a member of the National Association of Criminal Defense Lawyers, the Colorado Criminal Defense Bar, and the Defenders Union of Colorado. My testimony in this letter is solely on my own behalf, not on behalf of any agency or organization.

I write in strong opposition to HB25-1073. This bill fails to recognize the breadth of conduct covered by the statutes it seeks to amend; attacks the independence and fair-minded judgment of our district court judges; threatens immense pressure on innocent defendants to plead guilty to acts they did not commit; and—perhaps counterintuitively—makes kids less safe by discouraging them from seeking help when they need it.

Sexual Assault on a Child includes a broad range of conduct

The Sexual Assault on a Child statute¹ encompasses far more conduct than advocates of harsher punishment often acknowledge. All that the statute requires is that “the victim is less than fifteen years of age” and that “the actor is at least four years older than the victim.”² The statute looks only to chronological age, not to any measure of an individual's development, and makes no allowances for those with intellectual or developmental disabilities. And the definition of “sexual contact” is

¹ C.R.S. § 18-3-405.

² C.R.S. § 18-3-405(1).

broad. It includes “the knowing touching of the clothing covering the immediate area of the victim’s or actor’s intimate parts [including buttocks or breasts] if that sexual contact is for the purposes of sexual arousal, gratification, or abuse.”³

An eighteen-year-old with a significant intellectual or developmental disability who is convinced to kiss a fourteen-year-old at the park and, in the process, places her hand on his buttocks, commits Sexual Assault on a Child. So does an eighteen-year-old high school senior who engages in similar conduct with a high school freshman, not realizing that the freshman skipped a grade and so is only fourteen. If this bill were to pass, each of these people – and many others – would be facing mandatory, indeterminate prison sentences.

There are already mandatory sentences for any sexual assault on a child where there is (a) force, (b) threats, or (c) two separate acts involving the same child.⁴ (There are many other sentence enhancers that also provide for mandatory prison sentences for sexual assault on a child in various other circumstances.) This bill therefore addresses only those cases where there is no force, no threats, and a single act, and where none of those other sentence enhancers apply. These are the cases where this bill proposes to make prison mandatory.

This bill attacks the fair-minded judgment of Colorado’s judges

Under current law, any person convicted of Sexual Assault on a Child *can* be sentenced to an indeterminate prison term. There is no legal obstacle to sending any such person to prison, if the prosecution shows that it is warranted.

What this bill does is strip Colorado’s district judges – constitutional officials nominated by panels of attorneys and non-attorneys from their district, appointed by the governor, and retained by the voters – of the discretion to recognize mitigating factors and identify circumstances where prison is not an appropriate sentence.

Separation of powers is such an important principle that the framers of our state constitution made it an entire article all on its own.⁵ Discretion in sentencing is a core, bedrock foundation of judicial power and independence. So while this legislature *can* limit that discretion by

³ C.R.S. § 18-3-401(2), (4)(a).

⁴ C.R.S. § 18-3-405(2), (3).

⁵ Colo. Const. art. III.

adopting mandatory minimums, it should do so extremely rarely and with immense caution.

Judicial discretion also plays a key role in ensuring the fit between conduct and sentences. This legislature must paint with a broad brush when it drafts generally applicable laws. But a judge imposing sentence in a particular case gets to see all the specifics of the crime and the people before the court. And in considering those specifics, discretion gives the judge the ability to adopt a sentence proportionate to the *actual* situation, not to the hypotheticals that the legislature may have in its mind when it passes a bill. Judges are required by law “[t]o select a sentence, sentence length, and a level of supervision that addresses the offender’s *individual characteristics*”⁶ Mandatory minimums make it impossible for judges to comply with that law.

Colorado has a comprehensive and rigorous nomination, appointment, and retention process for judges. Just over a month ago, an elected District Attorney testified before the Senate Judiciary Committee that Colorado’s judges are “some of the . . . smartest of the bar.”⁷ And because of that, we trust judges to make extremely important and difficult decisions about people’s lives, every day.

This bill sends a clear message to Colorado’s judges: we don’t trust you. We don’t trust you to fairly consider the facts before you – both aggravating and mitigating. We don’t trust you to make fair and just decisions in these difficult cases about when probation is an appropriate sentence. We, the legislature – who have not seen or considered any of the evidence you have about the particular cases before you – don’t trust your judgment. We know better.

Let judges be judges. Trust them to identify those cases where probation is an appropriate sentence, and those cases where prison is warranted.

Mandatory minimums pressure the innocent to plead guilty

There is often an assumption in these conversations that sentencing bills only impact the guilty. But that’s not true. Innocent people are charged with these offenses as well. Mandatory minimums place

⁶ C.R.S. § 18-1-102.5(1)(e).

⁷ Senate Judiciary Committee, *Testimony on SB25-024* at 5:25:47 p.m. (Jan. 29, 2025) (testimony of District Attorney George Brauchler).

immense – and sometimes insurmountable – pressure on innocent people to plead guilty to offenses they did not commit.

I have represented innocent people charged with both sex offenses and other crimes for which this legislature has adopted mandatory sentences. And I have had clients who pleaded guilty to things they did not do because the threat of those mandatory sentences was so powerful and terrifying that they would rather falsely confess – even to acts that horrify and disgust them – rather than risk spending the rest of their lives in prison.

There is nothing harder as a criminal defense attorney than representing a factually innocent client facing a mandatory sentence. I can never promise a client what a jury will do. No matter how strong and persuasive our evidence of innocence is, a jury may always choose to disregard or ignore it. While jury trials are an important protection in our system, they are far from infallible. Judicial discretion in sentencing is an important backstop to the right to a jury trial. It preserves hope that even if the jury makes the wrong decision, there is the chance at something other than prison.

Prosecutors know this. And many prosecutors, unfortunately, take advantage of this. When faced with a weak case, or one that they feel crumbling around them, many prosecutors won't respond with dismissal – but rather with a “sweetheart” deal. While they've charged an offense that carries mandatory prison time, they may offer a plea to an offense that allows for probation, or they may even stipulate to probation. They know the pressure that such an offer places on a defendant, even an innocent defendant, to give in rather than continue to fight.

Imagine yourself in the shoes of an innocent person facing that choice. You can insist on your innocence and risk spending the rest of your life in a cage because twelve random people off the street made a bad call. Or you can take a plea that guarantees your freedom, at the cost of the world believing you committed a horrible act.

None of us can know how we'd respond to that choice until it's forced upon us. But we know from DNA exoneration data that innocent people are convicted at trial. We know that innocent people receive the death penalty, life imprisonment, or extremely long sentences. We

know that innocent people plead guilty to offenses they did not commit in order to avoid those risks.⁸

This bill, if adopted, will make innocent people plead guilty to crimes they did not commit.

Mandatory minimums discourage reporting

A child's or youth's decision to report a sexual offense is often an extremely difficult one. The people who have hurt them are often people they care about—romantic partners; friends; family members. Even when the person was otherwise a stranger, they have often built up what the child or youth thinks is a genuine connection. Because of those relationships, children and youth are often hesitant to report something that they know could get someone they care about in trouble.

As a GAL/CFY working with youth in the dependency and neglect system, I have seen how those fears can impact reporting. Not every time, to be sure—every youth is different. But youth are often far more attuned to the consequences of reporting than even the people harming them, and youth have mixed and complicated feelings about those consequences.

This dynamic is not unique to sexual offenses or crimes against children. I have seen many victims of domestic violence say—often in open court, directly to judges and prosecutors—that the lesson they have learned from Colorado's mandatory arrest statutes and other strict practices is: next time, don't call the police. They wanted help, but they didn't want everything that happened after that, and so next time they simply won't call. This same phenomenon is well documented in the literature.⁹

⁸ Innocence Project, *When the Innocent Plead Guilty* (Jan. 26, 2009), available at <https://innocenceproject.org/when-the-innocent-plead-guilty/>; see also Jed S. Rakoff, *Why Innocent People Plead Guilty* (N.Y. Review of Books, Nov. 20, 2014), available at <https://www.nybooks.com/articles/2014/11/20/why-innocent-people-plead-guilty/>.

⁹ See, e.g., Leigh Goodmark, *A Troubled Marriage: Domestic Violence and the Legal System* at 126 (N.Y.U. Press 2012) (“Mowatt has vowed, ‘I’m never calling the police again—even if I’m dying. I’m not going to call them.’ In seeking to hold Harbin accountable and protect Mowatt, the courts achieved neither goal.”).

Every time that we take discretion out of the system, every time that we attempt to impose one-size-fits-all solutions on complicated and varied situations, we decrease the voice for victims in the process.

Colorado’s Victims’ Rights Act guarantees victims “[t]he right to be heard at any court proceeding . . . [a]t which a person accused or convicted of a crime against the victim is sentenced or resentenced.”¹⁰ This right is critical because prosecutors do not represent victims. They represent the state. They may be required to speak to victims, but they often advocate for things that victims do not want.

In my years as a criminal defense lawyer, I have seen victims exercise the right to speak at sentencing over and over again. Frequently – far more frequently than you might think – victims will get up and ask the court to do something it cannot do: grant probation when this legislature has adopted a mandatory minimum or otherwise made someone ineligible for probation. And in those circumstances, victims are denied the right purportedly guaranteed to them by the VRA. They are not and cannot be meaningfully heard, because what they are asking for – what they want, as the people most directly impacted – has been taken off the table.

This bill says to victims – in this case, kids and youth deciding whether to report – that they will not have a say in the ultimate sentence. That if they make this report, a person they may care about will be going to prison, potentially for life, even if that is not what the victim wants. It will help people manipulate kids into remaining silent, and it will on its own discourage kids from coming forward. It will make kids less safe.

* * *

I urge you to recognize the broad range of conduct covered by these statutes, and the importance of judicial discretion in differentiating between when probation is appropriate and when prison is warranted. I urge you to protect the right to a jury trial and not make it easier to leverage threats of mandatory minimums to coerce guilty pleas from the innocent. And I urge you to protect kids and encourage them to report and seek help by preserving a voice for victims in the sentencing process even when they do not want prison. Vote **no** on HB25-1073.

¹⁰ C.R.S. § 24-4.1-302.5(1)(d)(IV).

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Sidley-MacKie', with a stylized flourish at the end.

Andrew Sidley-MacKie
Attorney
andrew@sidley-mackie.com

Chairperson and Members of the Committee,

Thank you for the opportunity to submit this testimony regarding **HB25-1073**. I strongly oppose this bill—not because I believe in leniency for offenders, but because this legislation is **unnecessary, ineffective, and fiscally irresponsible**.

HB25-1073 **removes judicial discretion, forces a one-size-fits-all approach to sentencing, and fails to address the root causes of these crimes**. Furthermore, as **Colorado faces a projected budget shortfall of up to \$1.2 billion for FY2025**, this legislation would **add more than \$50 million in prison costs over five years**—funds that could be better spent on **crime prevention, law enforcement, and victim support services**.

HB25-1073 is Unnecessary – Colorado Already Has Strict Sentencing Laws

Colorado already has some of the **toughest sex offender sentencing laws in the country**. Under **Colorado’s Lifetime Supervision Act**, many convicted sex offenders receive **indeterminate sentences**, meaning they remain **under supervision for life**. Even those placed on **probation** face **strict conditions**, including **GPS tracking, mandatory therapy, housing and employment restrictions, and constant monitoring**.

- **HB25-1073 removes probation as an option for Class 3 and Class 4 felony sexual assault offenses, forcing every offender into indeterminate prison sentences, regardless of their risk level or rehabilitation potential.**

Not every case is the same. **A violent, repeat offender is not the same as a first-time offender who could be successfully supervised under intensive probation**. Judges must have the ability to **assess risk and impose appropriate sentences**, rather than being forced into a **rigid sentencing model**.

HB25-1073 Will Cost Taxpayers Over \$50 Million While Colorado Faces a Budget Deficit

- **Colorado is already facing a budget deficit between \$750 million and \$1.2 billion for FY2025.**
- **HB25-1073 will cost the state at least \$15.4 million in additional prison costs over five years.**
- **An estimated \$35 million in new prison construction will be needed to house more incarcerated individuals.**

At a time when the state is struggling financially, does it make sense to **spend millions expanding prisons** instead of funding **real solutions that actually prevent crime?**

Rather than wasting taxpayer money on **longer incarceration**, we should be investing in:

- **More resources for law enforcement to investigate child sexual abuse cases.**
- **Funding for early intervention programs that stop crimes before they happen.**

- **Expanding trauma recovery services for victims, so they don't end up in the justice system themselves.**

Spending **millions of dollars on longer sentences does not make Colorado safer**—it only diverts funds away from crime prevention and victim services.

HB25-1073 Fails to Reduce Crime or Prevent Recidivism

- **Research from the National Research Council and U.S. Sentencing Commission shows that longer sentences do not reduce crime.**
- **What actually prevents crime is increasing the likelihood of being caught, not the severity of punishment.**

This bill **does not fund any new law enforcement resources to catch offenders before they harm children. It does not invest in prevention services. It does nothing to reduce recidivism.**

If we truly want to **protect children and prevent crime**, we need to focus on **prevention, intervention, and community safety—not just longer sentences.**

HB25-1073 Removes Judicial Discretion and Treats All Cases the Same

HB25-1073 **removes judicial discretion**, forcing judges to impose **the same sentence for every Class 3 and Class 4 felony sexual assault conviction, regardless of the circumstances.**

- **There is a major difference between a violent, repeat offender and a first-time offender with strong rehabilitation potential.**
- **There are cases where a victim and their family may prefer an alternative form of justice over incarceration.**
- **There are individuals who could be safely supervised under strict probation rather than being locked up indefinitely.**

But **this bill ignores these differences and forces every case into the same sentencing outcome.**

- **And it does all this while adding tens of millions of dollars to Colorado's existing budget deficit.**

Colorado already has **indeterminate sentencing for sex offenses**, meaning many offenders are already under **lifetime supervision. Why take away more judicial flexibility when our system already allows for strict sentences when needed?**

We need to **trust our judges** to impose the right sentence in each case. I urge you to vote **NO** on HB25-1073.

HB25-1073 Ignores the Needs of Victims and Fails to Prevent Future Crimes

We all agree that **victims of child sexual abuse suffer lifelong trauma**, and many of these children end up struggling with **mental health issues, substance abuse, and even involvement in the juvenile justice system**.

But **HB25-1073 does nothing to support these victims**.

- **No funding is allocated for trauma recovery programs.**
- **No additional resources are provided for early intervention services.**
- **No support is given to law enforcement to investigate and prevent crimes before they happen.**
- **And this comes at a time when Colorado faces a budget deficit of up to \$1.2 billion.**
Do we really want to spend \$50 million more on incarceration instead of child protection services?

We should be investing in early childhood trauma intervention, law enforcement, and prevention programs—not just increasing prison time.

Punishing offenders **without addressing prevention, victim support, or rehabilitation does not make children safer**. I urge this committee to vote **NO** on HB25-1073 and focus on policies that **actually prevent these crimes from happening**.

Conclusion

HB25-1073 is a costly and ineffective approach to criminal justice. Instead of simply increasing incarceration times, we should focus on policies that **prevent crimes before they happen and support victims after they occur**. Spending **over \$50 million on more prison beds does not make Colorado safer**—it only increases financial strain while failing to address the root causes of these offenses.

- **I strongly urge this committee to vote NO on HB25-1073** and instead work towards **smarter, evidence-based policies that will truly protect children and reduce crime**.

Thank you for your time and consideration.

Chairperson and Members of the Committee,

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HB25-1073 is a costly and ineffective approach to criminal justice. Instead of simply increasing incarceration times, we should focus on policies that **prevent crimes before they happen and support victims after they occur.** Spending **over \$50 million on more prison beds does not make Colorado safer**—it only increases financial strain while failing to address the root causes of these offenses.

- **I strongly urge this committee to vote NO on HB25-1073** and instead work towards **smarter, evidence-based policies that will truly protect children and reduce crime.**

Thank you for your time and consideration.

Survivor Testimony in Support of HB25-SB1073

Presented by Ilonka Deaton

Chairperson, Members of the Committee,

Thank you for the opportunity to speak in strong support of HB25-SB1073, which seeks to impose harsher punishments on individuals who sexually harm minors. As a survivor of childhood sexual exploitation and trafficking, I know firsthand the devastating and lifelong impact of such crimes.

I serve as the Director of Advocacy for Jaco Booyens Ministries (JBM), an anti-trafficking organization committed to protecting children, and I am a board member of the Reisman Institute, which works to expose and prevent the sexual exploitation of minors. My work is deeply personal at the age of 12 to 18, I was trafficked within the music industry. The trauma inflicted upon me during those critical years did not end when my abuse stopped. It has taken me years—nearly two decades—of continuous trauma recovery to reclaim my life. I have been in therapy since 2006, and I still seek professional help to this day. The journey to healing is long, arduous, and expensive.

Survivors like me are not just harmed in the moment of abuse. We live with its consequences for a lifetime. The psychological, emotional, and physical toll of sexual harm does not disappear with a conviction or a prison sentence. The scars remain. The financial burden of therapy, counseling, and medical expenses is enormous. Many victims struggle to afford the ongoing care necessary to recover from the deep wounds inflicted upon them.

Yet, despite the lifelong cost to survivors, perpetrators in our state may only serve between three to thirteen years in prison. Three to thirteen years for destroying a child's innocence. Three to thirteen years for leaving victims to struggle with depression, PTSD, anxiety, suicidal thoughts, and the inability to form healthy relationships. How is that justice?

A minor who has been sexually harmed carries that trauma well into adulthood, often affecting their ability to work, to trust, and to fully engage in life. If a victim's suffering lasts a lifetime, shouldn't the consequences for perpetrators reflect the gravity of their crime? The punishment must fit the irreversible damage caused.

I urge this committee to stand with survivors and send a clear message that Tennessee will not tolerate leniency for those who prey upon children. HB25-SB1073 is not just about increasing sentences—it is about recognizing the true weight of these crimes. Perpetrators must face severe, long-term consequences, just as their victims are forced to live with the aftermath of their abuse.

In my advocacy work, I have previously testified before the Tennessee Judiciary Committee, where my testimony contributed to a unanimous vote in favor of increasing harsher punishments for perpetrators who abuse minors. That successful outcome demonstrated the legislature's recognition that these crimes demand stronger consequences. HB25-SB1073 continues that necessary work, ensuring that Tennessee remains steadfast in protecting its children and holding offenders fully accountable for the lifelong harm they inflict.

On behalf of survivors and countless children who cannot yet speak for themselves, I implore you to pass this bill. Justice demands it.

Thank you.

Ilonka Deaton

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> THE PEOPLE OF THE STATE OF COLORADO v. Defendant: _____	<div style="display: flex; justify-content: space-around; align-items: center;"> ▲ COURT USE ONLY ▲ </div> <hr/> Case Number: ML Number: Division Courtroom
ADDITIONAL CONDITIONS OF SUPERVISION FOR ADULT SEX OFFENDERS <input type="checkbox"/> SOISP <input type="checkbox"/> NON - SOISP	

In the event the Defendant needs financial assistance to comply with the conditions of supervision, funds provided may be subject to recovery. The Defendant will be supervised by the probation officer and will comply with the following Additional Conditions of Supervision until further order of the Court.

ADDITIONAL CONDITIONS

By signing this document, I acknowledge that I am required to abide by the following additional conditions.

- _____ 1. If the Court orders me to participate in the Sex Offender Intensive Supervision Probation (SOISP) program pursuant to §18-1.3-1007, C.R.S., I will comply with all requirements of that program until further order of the Court.
- _____ 2. I will comply with all registration requirements of the Colorado Sex Offender Registration Act (C.R.S. Title 16, Article 22, Part 1) and, if applicable, will sign the registry notice that sets forth the registration requirements.
- _____ 3. I will not have or attempt to have contact with children under the age of 18 except under circumstances approved in advance and in writing by the probation officer in consultation with the community supervision team. Contact includes but is not limited to physical touching, written or oral correspondence, telephone contact, any communication through a third party, and any other digital or electronic communication, including over the internet. I am permitted to have contact with children who are my siblings or with whom I have a parental role (for example, biological children, adoptive children, or step-children) unless the child is a victim in this case or the Court issues an order prohibiting contact.
- _____ 4. If I have incidental contact with a child or children under the age of 18, I will be civil and courteous and immediately remove myself from the situation. I will discuss the contact at my next treatment session and my next supervision appointment. This condition does not prohibit contact with children who are my siblings or with whom I have a parental role (for example, biological children, adoptive children, or step-children) unless the child is a victim in this case or the Court issues an order prohibiting contact.
- _____ 5. I will not reside with any children under the age of 18 except under circumstances ordered by the Court or be in a residence with any children under the age of 18 except under circumstances approved in advance and in writing by the probation officer in consultation with the community supervision team. I am permitted to reside or be in a residence with children who are my siblings or with whom I have a parental role (for example, biological children, adoptive children, or step-children) unless the child is a victim in this case or the Court issues an order prohibiting contact.

- _____ 6. Except as provided in Conditions #3, #4, or #5, I will have no contact with any victim (the victim of the current offense or a victim from any other offense) or enter onto the premises, travel past, or loiter near where a victim resides except under circumstances approved in advance and in writing by the probation officer in consultation with the community supervision team. Prohibited contact includes but is not limited to physical touching, written or oral correspondence, telephone contact, any communication through a third party, and any other digital or electronic communication, including over the internet.
- _____ 7. I will not go to or loiter near schools, school grounds, parks, playgrounds, swimming pools, recreation centers, arcades, or other places primarily used by children under the age of 18 except under circumstances approved in advance and in writing by the probation officer in consultation with the community supervision team.
- _____ 8. I will inform the probation officer of my sexual or romantic relationships. I will not date or marry anyone who has children under the age of 18, except under circumstances approved in advance and in writing by the probation officer in consultation with the community supervision team.
- _____ 9. I will not be employed or participate in any volunteer activity where I have contact with children under the age of 18, except under circumstances approved in advance and in writing by the probation officer in consultation with the community supervision team.
- _____ 10. I will not change my residence without the prior approval of the probation officer.
- _____ 11. I will abide by any curfew imposed by the probation officer or the Court.
- _____ 12. I will not hitchhike or pick up hitchhikers.
- _____ 13. I will attend and actively participate in a sex offense specific evaluation and treatment program with an SOMB-approved provider. I will abide by the rules of the treatment program, comply with the treatment contract, and successfully complete the program to the satisfaction of the probation officer in consultation with the community supervision team.
- _____ 14. I am financially responsible for all evaluations and treatment unless other arrangements have been made through the probation officer or treatment provider.
- _____ 15. I will not change treatment programs without prior approval of the probation officer, except that if my supervision began on or after June 5, 2023, I am permitted to change treatment programs once within 90 days of my sentencing date or release on parole without prior approval and I will immediately notify the probation officer of any change.
- _____ 16. I will submit, at my own expense, to any program of psychological or physiological assessment and monitoring at the direction of the probation officer or treatment provider. This includes but is not limited to the polygraph, plethysmograph, and/or viewing time assessments to assist in treatment, planning and case monitoring.
- _____ 17. I will sign releases of information to allow members of the community supervision team to communicate with each other as well as with the therapist(s) of the victim(s) of my offense(s).
- _____ 18. I will not purchase, possess, or consume alcoholic beverages nor will I frequent or patronize any establishment where the primary source of income is through the sale of alcoholic beverages or recreational marijuana without permission from the probation officer in consultation with the community supervision team.
- _____ 19. I will not use computer systems, internet-capable devices, or similar electronic devices (to include but not be limited to satellite dishes, PDAs, electronic games, web televisions, internet appliances, and cellular/digital telephones) in a manner that violates my supervision conditions or the requirements of the signed "Computer Use Agreement for Sex Offenders." Additionally, I will allow the probation officer, or other trained person, to conduct searches of computers or other electronic

devices used by me. The person conducting the search may include a non-judicial employee and I may be required to pay for such a search.

_____ 20. I will not possess or view any discovery materials, including photos or videos, or souvenirs of my victim(s).

_____ 21. I will submit and comply with safety plans as required by the community supervision team.

_____ 22. I will allow the probation officer to search my person, property, residence, vehicle, or personal effects at any time with or without my consent. My personal property is subject to seizure if it violates any of the terms and conditions of my supervision, and I specifically consent to the use of any seized property as evidence in a modification or revocation proceeding.

SPECIAL ADDITIONAL CONDITION(S)

I will comply with the following Special Additional Condition(s) of Supervision as indicated below until further order of the Court:

[In the event the Court determines that additional restrictions on the use of or access to the internet and related devices are appropriate for the Defendant, the Court may order the Defendant to comply with Condition #23, #24, OR #25]

_____ 23. I will not subscribe to or use any internet service provider, by modem, LAN, DSL, or any other avenue (to include but not be limited to satellite dishes, PDAs, electronic games, web televisions, internet appliances and cellular/digital telephones) and will not use another person's internet or use the internet through any avenue until approved in advance by the probation officer in consultation with the community supervision team. This includes but is not limited to the following activities: web browsing/surfing; email; internet-related interpersonal communication (e.g. chatting, texting, instant messaging, participating in interactive games); producing web content; internet-related telephone communication (e.g. Skype, Voice Over internet Protocol); and file sharing through any means.

OR

_____ 24. I will only use or access computer systems, internet-capable devices, and/or similar electronic devices (to include but not be limited to satellite dishes, PDAs, electronic games, web televisions, internet appliances, and cellular/digital telephones) for the following purposes:

_____ Employment (including seeking employment)

_____ School

_____ Other: _____

Use of any computer systems, internet-capable devices, and/or similar electronic devices for any purpose not authorized herein is strictly prohibited absent prior approval from the probation officer.

OR

_____ 25. I will not subscribe to or use any internet service provider, by modem, LAN, DSL, or any other avenue (to include but not be limited to satellite dishes, PDAs, electronic games, web televisions, internet appliances and cellular/digital telephones) and will not use another person's internet or use the internet through any avenue unless approved by the Court. This includes but is not limited to the following activities: web browsing/surfing; email; internet-related interpersonal communication (e.g. chatting, texting, instant messaging, participating in interactive games); producing web content; internet-related telephone communication (e.g. Skype, Voice Over internet Protocol); and file sharing through any means.

_____ 26. I will not access, possess, utilize, or subscribe to any sexually oriented or sexually stimulating material to include but not be limited to mail, computer, television, or telephone, except under circumstances approved in advance and in writing by the probation officer in consultation with the community supervision team.

_____ 27. I will not patronize any place where sexually oriented or sexually stimulating material or entertainment is available, except under circumstances approved in advance and in writing by the probation officer in consultation with the community supervision team.

_____ 28. I will not use or possess distance vision enhancing or tunnel focusing devices or any cameras or video recording devices (including cell phones with camera or video recording capabilities) except under circumstances approved in advance and in writing by the probation officer.

_____ 29. I will not access or utilize, by any means, any commercial social networking site except under circumstances approved in advance and in writing by the probation officer in consultation with the community supervision team. For purposes of this condition, "commercial social networking site" means an internet website or mobile application that: (i) allows users, through the creation of internet web pages or profiles or other similar means, to provide personal information to the public or other users of the internet website or mobile application; (ii) offers a mechanism for communication with other users of the internet website or mobile application; and (iii) has the primary purpose of facilitating online social interactions.

_____ 30. Other (only if approved by the Court): _____

_____ 31. Other (only if approved by the Court): _____

Judge/Magistrate

Date

I read these conditions carefully and/or had them read and explained to me, and I had the opportunity to ask questions about them. I understand the conditions fully and agree to abide by them. I received a copy of the conditions (front and back pages), and I understand that if I violate them I may be brought before the Court for revocation and imposition of sentence or for modification of the conditions.

Defendant

Date

Probation Officer/Witness

Date

Computer Use Agreement for Sex Offenders

Client: [REDACTED] Probation Officer: _____

DATE FILED

April 9, 2024 4:58 PM

CASE NUMBER: [REDACTED]

By signing below, the above-named client acknowledges that (s)he is required to abide by the following conditions:

_____ Client shall provide a complete and accurate inventory of all computers, computer-related equipment, Internet-capable devices, and communications devices and services on an inventory form provided by the probation department. The client agrees to ensure that all information on the inventory is complete, accurate and current at all times and that the client will not use or access any electronic storage or communication device or service not reported on the inventory form and specifically approved for use by the probation department.

_____ Client shall be prohibited from using any form of encryption, cryptography, steganography, compression, password protected files and/or other method that might limit access to, or change the appearance of, data and/or images without prior written approval from the probation officer. If, for work purposes, password protection is required on any system or files used by the client, the password shall be provided to the probation officer/designee upon request.

_____ Client shall be prohibited from altering, destroying, or avoiding the creation of records of computer or other electronic device use without the probation officer's approval. This includes but is not limited to deleting or removing browser history data regardless of its age, emptying the Recycler, or possessing software or items designed to boot into or utilize RAM kernels, alter or wipe computer or other electronic device media, defeat forensic software, or block monitoring software. This also includes a prohibition against restoring a computer or other electronic device to a previous state or reinstalling operating systems.

_____ Client consents to unannounced examination by the probation officer/designee of any and all computer(s) and/or other electronic devices(s) to which the client has access for the limited purpose of detecting content prohibited by this document, conditions of supervision, or court order. This consent to examine includes access to all data and/or images stored on any storage media (including but not limited to cell phones, multi-media players, iPods, PDAs, removable media, thumb drives, camera cards, game consoles, CDs, DVDs) whether installed within a device or removable and separate from the actual device.

_____ Client shall allow the installation of monitoring software and periodic examination of his/her computer or other electronic devices at his/her own expense to ensure compliance with the conditions of supervision and this agreement. The client has no expectations of privacy regarding computer use or information stored on the computer if monitoring software is installed and understands and agrees that information gathered by said monitoring software may be used against him/her in any subsequent modification or revocation proceeding.

_____ Client specifically agrees to be responsible for all data, images and material on the computer or other electronic devices and voluntarily consents to announced or unannounced searches by the probation officer/designee to verify compliance with the conditions of supervision and this agreement. The client understands and agrees that his/her computer, related equipment, communication, and storage devices are subject to seizure by the probation officer/designee if, during a search, any evidence of a violation of the conditions of supervision or any evidence of a new crime is detected.

Client shall be prohibited from using a computer or other electronic device to possess or view certain materials related to the grooming cycle for his/her crime. Such materials include but are not limited to the following:

- _____ Images of the client's victim(s)
- _____ Stories or images related to the client's crime(s) or similar crimes
- _____ Images which depict individuals similar to the client's victim(s)
- _____ Stories written about or for individuals similar to the client's victim(s)
- _____ Materials focused on the culture of the client's victim(s)

Client Signature

Date

Probation Officer/Witness Signature

Date

Parent/Guardian Signature (if applicable)

Date

Judge/Magistrate

Date

Survivor Testimony in Support of HB25-SB1073

Presented by Ilonka Deaton

Chairperson, Members of the Committee,

Thank you for the opportunity to speak in strong support of HB25-SB1073, which seeks to impose harsher punishments on individuals who sexually harm minors. As a survivor of childhood sexual exploitation and trafficking, I know firsthand the devastating and lifelong impact of such crimes.

I serve as the Director of Advocacy for Jaco Booyens Ministries (JBM), an anti-trafficking organization committed to protecting children, and I am a board member of the Reisman Institute, which works to expose and prevent the sexual exploitation of minors. My work is deeply personal at the age of 12 to 18, I was trafficked within the music industry. The trauma inflicted upon me during those critical years did not end when my abuse stopped. It has taken me years—nearly two decades—of continuous trauma recovery to reclaim my life. I have been in therapy since 2006, and I still seek professional help to this day. The journey to healing is long, arduous, and expensive.

Survivors like me are not just harmed in the moment of abuse. We live with its consequences for a lifetime. The psychological, emotional, and physical toll of sexual harm does not disappear with a conviction or a prison sentence. The scars remain. The financial burden of therapy, counseling, and medical expenses is enormous. Many victims struggle to afford the ongoing care necessary to recover from the deep wounds inflicted upon them.

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I urge this committee to stand with survivors and send a clear message that Tennessee will not tolerate leniency for those who prey upon children. HB25-SB1073 is not just about increasing sentences—it is about recognizing the true weight of these crimes. Perpetrators must face severe, long-term consequences, just as their victims are forced to live with the aftermath of their abuse.

In my advocacy work, I have previously testified before the Tennessee Judiciary Committee, where my testimony contributed to a unanimous vote in favor of increasing harsher punishments for perpetrators who abuse minors. That successful outcome demonstrated the legislature's recognition that these crimes demand stronger consequences. HB25-SB1073 continues that necessary work, ensuring that Tennessee remains steadfast in protecting its children and holding offenders fully accountable for the lifelong harm they inflict.

On behalf of survivors and countless children who cannot yet speak for themselves, I implore you to pass this bill. Justice demands it.

Thank you.

Ilonka Deaton

Proposed Testimony in Support of HB25-1073 Esteemed Members of the Judiciary Committee,

I stand before you today in unequivocal support of House Bill 25-1073, *Protections Against Child Rape*. This bill is not just another piece of legislation—it is a moral obligation. It is a lifeline for children who cannot protect themselves, for survivors who never got justice, and for families who have been shattered by the evil of child sexual abuse.

I am not only a family member of a survivor and someone who works in the anti-trafficking space—I am also a survivor myself. I know what it means to live with the scars of sexual abuse. I know what it means to lose your childhood to a predator. I know what it means to carry that trauma into adulthood and fight every single day to overcome it.

And I know this: the only way to stop this evil is to remove predators from society before they can harm another child.

We have been fighting sexual exploitation and sex trafficking for over 30 years in the United States, yet despite countless efforts, predators continue to roam free, children continue to be exploited, and justice continues to be out of reach for too many victims. This has to stop.

The reality is sickening:

- Predators **offend multiple times before they are caught**. A study by Abel et al. found that offenders had an average of **20 to 150 victims** before they were ever arrested.
- Another study found that **63.3% of undetected rapists were repeat offenders**, committing an average of **six rapes before they were caught**.
- **Only 38% of child victims ever report their abuse**—meaning the vast majority suffer in silence while their abuser continues to destroy lives. ([Source: D2L](#))

This bill is not about politics. It is about protecting children. The justice system has failed victims for too long by allowing predators to manipulate, groom, and abuse with little consequence.

It is time to say NO MORE.

By imposing **indeterminate sentences that extend to the natural life of the offender and eliminating the possibility of probation**, HB25-1073 ensures that **these monsters will never have another chance to prey on our children.**

And let's be clear: this is also a **human trafficking issue**. There is a direct link between child sexual abuse and trafficking. Predators **condition, exploit, and sell children**. These criminals are not just child rapists; they are the pipeline fueling sex trafficking networks. If we do not act now, we are allowing them to **continue stealing the lives of our most vulnerable**.

As a survivor, I refuse to stay silent.

I **urge**—no, I **demand**—that this committee pass HB25-1073. **Every moment of hesitation allows another predator to take another child**. The time for action is now. This is life and death.

Let's stand on the right side of history. Let's fight for the children who cannot fight for themselves. Let's pass HB25-1073.

Thank you,

Tami Brown Rodriguez
Survivor, Family Member of a Trafficked Victim
Director Of Policy Jaco Booyens Ministries
tbe@helpjbm.org

CONCERNED
WOMEN *for* AMERICA
LEGISLATIVE ACTION COMMITTEE

February 12, 2025
Judiciary
Testimony in Support of HB25-1073

Chairman Mabrey, and members of the Committee, I am Dr. Karen Pennington, nurse, educator, and State Director for Concerned Women for America (CWA) of Colorado. We are the largest grassroots, public policy women’s organization in the country. Today I am testifying for Concerned Women for America Legislative Action Committee in support of HB25-1073.

Some background: the issue of child sex trafficking and prostitution has seen explosive growth in our country from \$500 million to \$150 billion per year. The Tennessee Bureau of Investigation cites that a child is bought or sold for sex every two minutes – every day in this country¹. This issue is modern-day slavery – and a new abolitionist movement. We cannot ignore or look the other way any longer. A society is judged on how well it cares for its women and the most vulnerable – its children. The need for this bill reflects how poorly we care by currently having no mandatory sentencing. The victim has a **mandatory life-long sentence** of multiple traumas, PTSD, and mental and behavioral difficulties². I ask you, why would we NOT want to pass this bill to protect our children? It is the greatest fear of parents and grandparents that justice **would not** be served to the perpetrators of this crime.

Consequences for criminal actions do result in a reduction of crime. National Institute of Justice indicates -the chance of being caught is the most effective deterrent to reducing crime³. Enforcement of existing Class 4 and Class 3 felony laws of **at least** the minimum term and prohibiting a court from sentencing with probation must be imposed for these crimes against children.

Concerned Women for America of Colorado urges you to:

- Acknowledge the extent of this egregious harm by enforcement of sentences
- Prohibit probation sentencing to protect our children

Vote “YES” on HB25-1073

Thank You.

Karen Pennington, PhD, RN
State Director, Concerned Women for America of Colorado

¹ <https://concernedwomen.org/uncovering-the-epstein-trafficking-ring-with-special-guest-sen-marsha-blackburn/>

² <https://onlinelibrary-wiley-com.dml.regis.edu/doi/full/10.1111/fcre.12742>

³ <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>