

Center for SafeSport Glossary of terms

<https://uscenterforsafesport.org/code-glossary/>

Center for SafeSport Archived Codes

<https://uscenterforsafesport.org/code-archives/>

Processes and Explanations

<https://uscenterforsafesport.org/wp-content/uploads/2020/10/Response-and-Resolution-S2330.pdf>

Laws and Consent for States for Sexual Assault

<https://apps.rainn.org/policy/compare/consent-laws.cfm>

Colorado

- **How is Consent Defined?**

“Consent” means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A relationship is not sufficient to constitute consent. Submission under the influence of fear does not constitute consent.

Colorado Revised Statutes Annotated § 18–3–401(1.5).

- **Does the definition require "freely given consent" or "affirmative consent"?**

No.

- **At what age is a person able to consent?**

17 years old, subject to certain close-in-age exemptions (described below).

Colorado Revised Statutes Annotated § 18-3-402(1)(d)-(e).

- Does developmental disability and/or mental incapacity impact the victim's ability consent?

No.

- Does consciousness impact the victim's ability consent?

Yes, unconsciousness falls within the definition of “physically helpless” and therefore the actor may be guilty of sexual assault and/or unlawful sexual contact when the victim is unconscious and the actor knows the victim is unconscious and the victim has not consented. Colorado Revised Statutes Annotated § 18-3-401(3). In addition, the sexual assault statute prohibiting sexual intrusion or penetration if actor knows that victim is incapable of appraising nature of victim's conduct may extend to victims who are partially asleep.

People v. Platt, 170 P.3d 802 (Colo. App. 2007).

- Does intoxication impact the victim's ability to consent?

Yes, any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if the actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission.

Colorado Revised Statutes Annotated § 18-3-404(1)(d).

In addition, in *People In Interest of G.B.*, 433 P.3d 138 (Colo. App. 2018), the court held that evidence that a sexual assault victim was intoxicated during sexual intercourse, and was for that reason incapable of appraising nature of her conduct, was sufficient to support a sexual assault conviction.

- Does the relationship between the victim and actor impact the victim's ability to consent?

Yes.

- Married spouses:

- There are certain marital exceptions when there is a marital relationship between an actor and a victim where the elements of the unlawful sexual behavior offense specifically excludes a spouse, such as certain age-related sexual assault offenses, sexual assault on a child (victim under the age of fifteen (15) and actor at least four (4) years older than the victim), and sexual assault on a child (victim under the age of eighteen (18)) by a person in a position of trust.

Colorado Revised Statutes Annotated §§ 18-3-402; 18-3-405(1); 18-3-405.3(1); 18-3-409.

- In the custody of law enforcement:

- A victim who is in custody of law or detained in a hospital or other institution cannot consent to any sexual intrusion or sexual penetration with a person who has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search.

Colorado Revised Statutes Annotated § 18-3-402(1)(f).

- Peace Officer:

- A victim cannot consent to sexual contact, intrusion, or penetration by a peace officer if (i) in the same encounter, the peace officer contacts the victim for the purpose of law enforcement or contacts the victim in the exercise of the officer's employment activities or duties, (ii) the peace officer knows that the victim is, or causes the victim to believe that he or she is, the subject of an active investigation, and the peace officer uses that knowledge to further the sexual contact, intrusion, or penetration, or (iii) in furtherance of sexual contact, intrusion, or penetration, the peace officer makes any show of real or apparent authority, in each case, unless the sexual contact or intrusion occurs incident to a lawful search.

Colorado Revised Statutes Annotated § 18-3-405.7.

- Therapist and client:

- A client cannot consent to any sexual intrusion, sexual penetration or sexual contact with the client's psychotherapist.

Colorado Revised Statutes Annotated § 18-3-405.5.

- Child and any person in a position of trust over the child:

- A child cannot consent to sexual contact with a person who is not the child's spouse and where such person is in a position of trust with respect to the victim. Colorado Revised Statutes Annotated § 18-3-405.3(1).
- One in a "position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone

otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.

Colorado Revised Statutes Annotated § 18-3-401(3.5).

Mandatory Reporting resources for Colorado

<https://www.childwelfare.gov/resources/mandatory-reporting-child-abuse-and-neglect-colorado/>

Child Welfare Resources National

<https://www.childwelfare.gov/resources/states-territories-tribes/co/?stt=391>

MAAP Guide for Center for SafeSport

<https://maapp.uscenterforsafesport.org/>

Sexual Abuse and Assault resources for support and help

<https://rainn.org/>

Legislation for SafeSport

<https://www.congress.gov/bill/115th-congress/senate-bill/534>

National Child Abuse report line

<https://childhelpline.org/>

US Center for SafeSport report link

<https://uscenterforsafesport.org/report-a-concern/>

Trainings for kids and family members

<https://uscenterforsafesport.org/courses/#empowered-families>

Minor Athlete Abuse Prevention Policies

<https://maapp.uscenterforsafesport.org/resources/>

USA Hockey SafeSport Resources

<https://www.usahockey.com/resourcesanddownloads>