

**18-6-701. Contributing to the delinquency of a minor.**

(1) Any person who induces, aids, or encourages a child to violate any federal or state law, municipal or county ordinance, or court order commits contributing to the delinquency of a minor. For the purposes of this section, the term "child" means any person under the age of eighteen years.

(2) Contributing to the delinquency of a minor is a class 4 felony.

(3) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this section and the court knows the person is a current or former employee of a school district in this state or holds a license or authorization pursuant to the provisions of article [60.5](#) of title [22](#), C.R.S., the court shall report such fact to the department of education.

**Source:** L. 87: Entire part added, p. 817, § 22, effective October 1. L. 90: (3) added, p. 1026, § 10, effective July 1. L. 92: (1) amended, p. 404, § 17, effective June 3. L. 2000: (3) amended, p. 1847, § 35, effective August 2.

**ANNOTATION**

**Law reviews.** For article, "Commitment of Misdemeanants to the Colorado State Reformatory", see 29 Dicta 294 (1952).

**Annotator's note.** The following annotations include cases decided under former § 19-3-119.

**A law enforcement officer does not violate this section** when, in the completion of undercover activities, he encourages a child to violate a law or ordinance. *People in Interest of M.N.*, 761 P.2d 1124 (Colo. 1988); *People in Interest of J.A.L.*, 761 P.2d 1137 (Colo. 1988) (both cases decided under former § 19-3-119).

**An adult may be charged with violating this statute** regardless of whether the minor was actually charged with or convicted of a crime or whether the minor was old enough to be charged with or convicted of a crime. *People v. Miller*, 830 P.2d 1092 (Colo. App. 1991).

**This is a criminal statute.** *Miller v. People in Interest of Edwin*, 102 Colo. 259, 78 P.2d 624 (1938).

**The statute does not require that a minor child be charged or convicted of a crime or that the child be older than ten years old** for a person to be found guilty of contributing to the delinquency of a minor. *People v. Miller*, 830 P.2d 1092 (Colo. App. 1991).

**The required mens rea for an offense under this section is knowingly; except that the mens rea does not apply to the defendant's knowledge of the age of the minor victim.** The purpose of this section is to protect minors. Thus, the defendant's awareness of the victim's age is not the focus of the statute, and the intent of the general assembly is to hold the defendant responsible if he or she engaged in the prohibited conduct and the victim's age fell within the statutorily defined age element. *People v. Hastings*, 983 P.2d 78 (Colo. App. 1999), *aff'd*, 19 P.3d 662 (Colo. 2000); *People v. Gorman*, 983 P.2d 92 (Colo. App. 1999), *aff'd*, 19 P.3d 662 (Colo. 2000).

**The affirmative defense of reasonable belief with regard to the age of the victim, created in this section, applies to an offense charged under this section.** But the trial court did not err in refusing to instruct the jury on the affirmative defense where the defendant failed to present sufficient evidence of the defense at trial. *People v. Hastings*, 983 P.2d 78 (Colo. App. 1999), *aff'd*, 19 P.3d 662 (Colo. 2000); *People v. Gorman*, 983 P.2d 92 (Colo. App. 1999), *aff'd*, 19 P.3d 662 (Colo. 2000).

**Section materially the same as prior section of law on same subject,** and specific violations of liquor code

must be prosecuted under that law and not this provision. General assembly's reenactment of this section does not change the result. *People v. O'Donnell*, 926 P.2d 114 (Colo. App. 1996).

**Evidence held insufficient.** *Moore v. People*, 111 Colo. 584, 144 P.2d 776 (1943).

**Possession of marijuana is not a lesser included offense of contributing to the delinquency of a minor under this section or transferring marijuana under § [18-18-406 \(7\)\(b\)](#).** *People v. Graybeal*, 155 P.3d 614 (Colo. App. 2007).

**Applied in** *Gibson v. People*, 44 Colo. 600, 99 P. 333 (1908); *Sass v. People*, 48 Colo. 125, 109 P. 263 (1910); *McClelland v. People*, 49 Colo. 538, 113 P. 640 (1911); *Sharp v. People*, 90 Colo. 356, 9 P.2d 483 (1932); *May v. People*, 636 P.2d 672 (Colo. 1981); *People v. Corpening*, 837 P.2d 249 (Colo. App. 1992).

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