

Stop Street Harassment

Colorado

A variety of forms of street harassment are illegal in Colorado, including obscene language, up-skirt photos, indecent exposure, following, groping, and hate crimes. Here are the laws and reporting procedures you need to know.

Verbal Harassment

Colorado has four laws that can protect you from various forms of verbal street harassment.

Disorderly Conduct

[Title 18, Article 9 §106](#)

Disorderly conduct in Colorado includes:

- Making unreasonable noise.
- Fighting in public.
- Making “a coarse and obviously offensive utterance, gesture, or display in a public place [that] tends to incite an immediate breach of the peace.”

If a harasser is shouting or making other loud noises while harassing you or starts fighting with you, you can report him/her.

Note: A breach of the peace usually means a violent or tumultuous reaction, making it a “[fighting words](#)” law. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

Penalty: Disorderly conduct is a Class 1 petty offense, punishable by a fine of up to \$500 and/or up to 6 months in jail. If disorderly conduct includes fighting in public, it is a Class 3 misdemeanor, punishable by a fine of \$50 to \$750 and/or up to 6 months in jail.

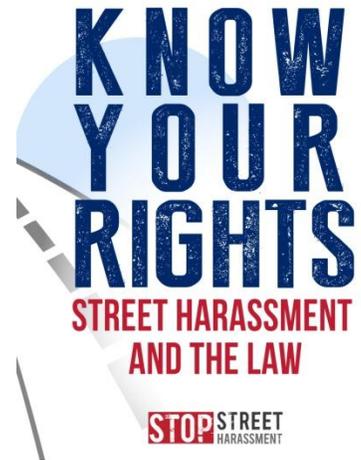
Harassment

[Title 18, Article 9, §111](#)

In Colorado, it is illegal for anyone, with the intent to harass, annoy, or alarm you, to:

- Direct obscene language to or make an obscene gesture at you. Obscene means a description of or solicitation to commit sexual acts.
- Strike, shove, kick, or otherwise touch you or subject you to physical contact.
- Repeatedly insult, taunt, or challenge you or use offensive language “in a manner likely to provoke a violent or disorderly response.”

You can report street harassers who make overtly sexual references to you, obscene gestures or comments, or repeatedly taunt you for harassment.



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Note: The prohibition on offensive language likely to provoke a violent response makes it a “[fighting words](#)” law. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

Penalty: Harassment in general is a Class 3 misdemeanor, punishable by a fine of \$50 to \$750 and/or up to six months in jail.

If the harasser also had the intent to intimidate you because of your actual or perceived race, color, religion, ancestry, or national origin, it is a Class 1 misdemeanor, punishable by a fine of \$500 to \$5,000 and between six and 24 months in jail.

Soliciting for Prostitution

[Title 18, Article 7, §202](#)

Soliciting someone for the purposes of prostitution is illegal in Colorado. If a street harasser solicits sexual activity from you, you can report him/her. You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Soliciting for prostitution is a Class 3 misdemeanor in Colorado, punishable by a fine of \$50 to \$750 and/or up to six months in jail.

Unlawful Conduct on Public Property

[Title 18, Article 9, §117](#)

In Colorado, supervisors, managers, and administrators of public property and spaces have the power to proscribe the acceptable conduct within that public space. Their rules for the use of the space are enforceable by law if s/he are posted publicly, including rules that prohibit “activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance.”

Under this section of Colorado code, administrators of public parks, schools, libraries, hospitals, transportation, government buildings, and other public property can (and may already) prohibit acts of street harassment or establish and enforce Harassment Free Zones. Check the posted rules in public venues. If it is illegal, you can report it. If there are no rules against harassment, consider raising the issue with the owners/managers of public spaces.

Penalty: Unlawful conduct on public property is a Class 3 misdemeanor in Colorado, punishable by a fine of \$50 to \$750 and/or up to six months in jail.

Unlawful Filming/Photographing

Criminal Invasion of Privacy

[Title 18, Article 7, §801](#)

It is illegal for a person to knowingly take a photograph or other visual recording of the intimate parts of your body without your consent when you should have reasonable expectation of privacy.

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If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise records or photographs you in an inappropriate way, you can report him or her for criminal invasion of privacy.

Penalty: Criminal invasion of privacy is a Class 2 misdemeanor, punishable by a fine of up to \$1,000 and/or up to 12 months in jail.

Indecent Exposure

Indecent Exposure

[Title 18, Article 7, §302](#)

These acts are considered indecent exposure in Colorado:

- Knowingly exposing one's genitals to another person in a way that is likely to cause affront or alarm to the other person with the intent to arouse or satisfy sexual desire.
- Knowingly performing an act of actual or simulated masturbation, either under or over one's clothing, in the view of another person and in a way that is likely to cause affront or alarm to the other person.

If a harasser flashes or otherwise exposes him or herself to you or is masturbating in front of you, and you feel alarmed or affronted, you can report that person for indecent exposure.

Penalty: Indecent exposure is a Class 1 misdemeanor, punishable by a fine of between \$500 and \$5,000 and/or between 6 and 18 months in jail.

Public Indecency

[Title 18, Article 7, §301](#)

In Colorado, it is illegal for anyone to have sex or to fondle another person in a public place, to expose one's breasts or buttocks with the intent to arouse or satisfy sexual desire, or to expose one's genitals to another person in a way that is likely to cause affront or alarm.

If a harasser flashes or otherwise exposes him or herself to you in a public place, such as a park, on public transportation, or in a store, you can report that person.

Penalty: Public indecency is a Class 1 petty offense, punishable by a fine of up to \$500 and/or up to six months in jail.

Following

Harassment

[Title 18, Article 9, §111](#)

In Colorado, the harassment law prohibits anyone from following another person in or about a public place.

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You can report street harassers who follow you, make overtly sexual references to you, or repeatedly taunt you. This Colorado law is one of the best in the country for addressing harassers who follow people because it does not state that the following must be repeated for it to be a crime.

Penalty: Harassment in general is a Class 3 misdemeanor, punishable by a fine of \$50 to \$750 and/or up to six months in jail.

Stalking

[Title 18, Article 3, §602](#)

Stalking is defined in Colorado as repeatedly following, approaching, or contacting or making a credible threat against someone and causing that person serious emotional distress.

If the same person, on more than one occasion, follows you or harasses you and you feel threatened, unsafe, or suffer serious emotional distress as a result, you can report that person.

Penalty: Stalking is a Class 5 felony, punishable by a fine of \$1,000 to \$100,000, and/or 1-3 years in prison.

Groping

Unlawful Sexual Contact

[Title 18, Article 3, §404](#)

Sexual contact occurs when a harasser knowingly touches your breasts, buttocks, or groin area, or somehow causes you to touch his or hers, either over or under clothing, “for the purposes of sexual arousal, gratification, or abuse” without consent.

You can report anyone who knowingly subjects you to sexual contact without your consent – such as grabbing your breasts or your crotch – for unlawful sexual contact.

Unlawful sexual contact also includes sexual contact with anyone under the age of 18 *or* inducing or coercing anyone under the age of 18 to expose the intimate parts of his or her body for the harasser’s sexual gratification. If this happens to you or a young person you care for, you can report the harasser.

Penalty: Unlawful sexual contact is a Class 1 misdemeanor and falls into Colorado’s category of “extraordinary risk crime,” meaning that the maximum penalty is extended. Unlawful sexual contact in general is punishable by a fine of between \$500 and \$5,000 and/or between 6 and 24 months in jail. Unlawful sexual contact with a child *or* the use of force, intimidation, or threats is a Class 4 felony, punishable by a fine of between \$2,000 and \$500,000 and/or between 1 and 16 years in prison.

Hate Crimes

Bias Motivated Crimes

[Title 18, Article 9, §121](#)

A harasser commits a bias-motivated crime in Colorado if, with the intent to harass or intimidate you based on a (real or perceived) protected personal characteristic, s/he knowingly causes you bodily injury, knowingly damages your property, *or* knowingly causes you to fear bodily injury or property damage. The

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characteristics that are protected from bias-motivated crimes in Colorado are:

- Race
- Color
- Religion
- Ancestry
- National origin
- Physical or mental disability
- Sexual orientation, including heterosexuality, homosexuality, bisexuality, or transgender status

If a harasser threatens to or does harm you or your property and also states or implies some prejudice – such using a racial, homophobic, or transphobic slur – you can report him/her.

Penalty: Damaging your property or causing you to fear bodily injury or property damage because of one or more of the above characteristics is a Class 1 misdemeanor in Colorado, punishable by a fine of between \$500 and \$5,000 and/or between six and 18 months in jail. If a harasser actually causes you bodily injury, a bias-motivated crime is a Class 5 felony, punishable by a fine of \$1,000 to \$100,000 and/or between 1 and 3 years in prison.

Sentences may also include community service requirements and/or a restorative justice or alternative dispute resolution process. The law also states that these criminal penalties do not preclude you from seeking any other remedies, such as civil action, otherwise available under the law.

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Denver this number is 720-913-2000 and in Colorado Springs it is 719-444-7000. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name, contact information).
 - A description of what happened.
 - It can be helpful to include the law the crime falls under, such as Unlawful Sexual Contact, Title 18, Article 3, §404. If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
 - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, in Fort Collins, you can do this via their [Crime Reporting Form](#).

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- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.