

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 23-1135

BY REPRESENTATIVE(S) Michaelson Jenet and Bird, Armagost, Bockenfeld, Bradley, DeGraaf, Duran, Evans, Frizell, Hartsook, Holtorf, Luck, Lynch, Pugliese, Snyder, Soper, Weinberg, Wilson;
also SENATOR(S) Zenzinger and Smallwood, Bridges, Gardner, Ginal, Kirkmeyer, Liston, Lundeen, Mullica, Pelton B., Pelton R., Priola, Rich, Simpson, Van Winkle, Will.

CONCERNING THE OFFENSE CLASSIFICATION FOR INDECENT EXPOSURE IN VIEW OF A MINOR, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 18-7-302, **amend** (4) and (5) as follows:

18-7-302. Indecent exposure - definitions. (4) Indecent exposure is a class 6 felony if the violation is committed:

(a) Subsequent to two prior convictions of a violation of this section or of a violation of a comparable offense in any other state or in the United States, or of a violation of a comparable municipal ordinance; OR

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) WHEN THE PERSON WHO COMMITS INDECENT EXPOSURE KNEW THERE WAS A CHILD IN VIEW OF THE ACT AND THE PERSON IS MORE THAN EIGHTEEN YEARS OF AGE AND MORE THAN FOUR YEARS OLDER THAN THE CHILD.

(5) ~~For purposes of this section~~ AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CHILD" MEANS A PERSON UNDER FIFTEEN YEARS OF AGE.

(b) "Masturbation" means the real or simulated touching, rubbing, or otherwise stimulating of a person's own genitals or pubic area for the purpose of sexual gratification or arousal of the person, regardless of whether the genitals or pubic area is exposed or covered.

SECTION 2. Appropriation. (1) For the 2023-24 state fiscal year, \$54,797 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$47,727 for probation programs, which amount is based on an assumption that the department will require an additional 0.7 FTE; and

(b) \$7,070 for use by courts administration for capital outlay.

SECTION 3. Applicability. This act applies to offenses committed on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO