

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0521.01 Conrad Imel x2313

HOUSE BILL 23-1135

HOUSE SPONSORSHIP

Michaelson Jenet and Bird, Armagost, Bockenfeld, Bradley, DeGraaf, Duran, Evans, Frizell, Hartsook, Holtorf, Luck, Lynch, Pugliese, Snyder, Soper, Weinberg, Wilson

SENATE SPONSORSHIP

Zenzinger and Smallwood,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, indecent exposure is a class 1 misdemeanor; except that it is a class 6 felony for a third or subsequent offense. The bill makes indecent exposure a class 6 felony if committed in view of a person who is under 18 years of age.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
May 5, 2023

HOUSE
3rd Reading Unamended
April 29, 2023

HOUSE
Amended 2nd Reading
April 28, 2023

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

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

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

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

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

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

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

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

21 

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

26 (a) \$47,727 for probation programs, which amount is based on an

1 assumption that the department will require an additional 0.7 FTE; and

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

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

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety.