

## CHAPTER 422

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**CRIMINAL LAW AND PROCEDURE**

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**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.

**AN ACT**

**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

(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

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*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.*

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.

Approved: June 7, 2023