

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

**COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716**

**TEL: 303-866-2045 FAX: 303-866-4157
EMAIL: OLLS.GA@STATE.CO.US**

MEMORANDUM (2)(D)(iv)¹

TO: Statutory Revision Committee

FROM: Jane M. Ritter, Office of Legislative Legal Services

DATE: August 11, 2017

SUBJECT: Modernizing statutory references to "husband", "wife", "father", "mother", and related terms and phrases in the context of same-sex marriage in Colorado

Summary and Analysis

Staff became aware of this issue after preparing the memo and proposed bill concerning the United States Supreme Court ruling on same-sex marriages in *Obergefell v. Hodges*.² The issue here concerns the use of the specific terms "husband and wife", "husband or wife", "husband", "wife", "mother and father", "mother or father", "mother", or "father", etc., when, in the context of same-sex marriage, it is not always clear who is "husband", "wife", "mother", or "father".

The United States Supreme Court ruled in *Obergefell v. Hodges* that the right to marry is a fundamental right and that the Fourteenth Amendment requires a state to license a marriage between two people of the same sex and to recognize a marriage between

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

² *Obergefell v. Hodges*, 576 U.S. ____ (2015). Due to the length of the opinion, *Obergefell* is not attached here. It is available online at https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf

two people of the same sex when their marriage was lawfully licensed and performed out of state.³

A separate memo and proposed bill before the Committee addresses the single piece in statute that is considered unconstitutional under the *Obergefell* ruling. Regardless of the outcome of that bill with the Committee, and even if the General Assembly decides to keep Colorado's current statutory requirement that a valid marriage in Colorado must be between "one man and one woman"⁴, hundreds of same-sex marriages now exist in Colorado. The issue presented in this memo and the proposed bill is that the rest of our statutes do not accurately reflect that reality.

Addendum A lists the statutory sections that include a reference to a husband, wife, father, or mother, or some combination of those terms. The range of usage includes the Uniform Commercial Code, dissolution of marriage, paternity and assisted reproduction, the probate code, evidentiary spousal privilege, and K-12 school enrollment issues, to name just a few. In most of the references, when viewed through the context of a same-sex marriage, it is unclear, at best, who is being referred to.

For instance, the "spousal privilege" set forth in section 13-90-107, C.R.S., exists to protect persons who are married to one another, as well as partners in a civil union, from being forced to testify against the other spouse. The language of the statute, however, leaves it ambiguous if the privilege also applies to a same-sex married couple who refer to themselves as "husband and husband" or "wife and wife".

13-90-107. Who may not testify without consent - definitions.

(1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(a) (I) Except as otherwise provided in section 14-13-310 (4), C.R.S., **a husband shall not be examined for or against his wife without her consent nor a wife for or against her husband without his consent**; nor during the marriage or afterward shall either be examined without the consent of the other as to any communications made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, a criminal action or proceeding for a crime committed by one against the other, or a criminal action or proceeding against one or both spouses when the alleged offense occurred prior to

³ *Id.*

⁴ § 14-2-104 (1)(b), C.R.S.

the date of the parties' marriage. However, this exception shall not attach if the otherwise privileged information is communicated after the marriage.

(II) The privilege described in this paragraph (a) does not apply to class 1, 2, or 3 felonies as described in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), C.R.S., or to level 1 or 2 drug felonies as described in section 18-1.3-1.3-401.5 (2)(a), C.R.S. In this instance, during the marriage or afterward, a **husband shall not be examined for or against his wife as to any communications intended to be made in confidence and made by one to the other during the marriage without his consent, and a wife shall not be examined for or against her husband** as to any communications intended to be made in confidence and made by one to the other without her consent.

(III) **Communications between a husband and wife are not privileged pursuant to this paragraph (a)** if such communications are made for the purpose of aiding the commission of a future crime or of a present continuing crime.

(IV) The burden of proving the existence of a marriage for the purposes of this paragraph (a) shall be on the party asserting the claim.

(V) Notice of the assertion of the marital privilege shall be given as soon as practicable but not less than ten days prior to assertion at any hearing.

(a.5) (I) Except as otherwise provided in section 14-13-310 (5), C.R.S., **a partner in a civil union shall not be examined for or against the other partner in the civil union without the other partner's consent**, nor during the civil union or afterward shall either be examined without the consent of the other as to any communications made by one to the other during the civil union; except that this exception does not apply to a civil action or proceeding by one against the other, a criminal action or proceeding for a crime committed by one against the other, or a criminal action or proceeding against one or both partners when the alleged offense occurred prior to the date of the parties' certification of the civil union. However, this exception shall not attach if the otherwise privileged information is communicated after the certification of the civil union.

(II) The privilege described in this paragraph (a.5) does not apply to class 1, 2, or 3 felonies as described in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), C.R.S., or to level 1 or 2 drug felonies as described in section 18-1.3-401.5 (2)(a), C.R.S. In this instance, during the civil union or afterward, a partner in a civil union shall not be examined for or against the other partner in the civil union as to any communications intended to be made in confidence and made by one to the other during the civil union without the other partner's consent.

(III) Communications between partners in a civil union are not privileged pursuant to this paragraph (a.5) if such communications are made for the purpose of aiding the commission of a future crime or of a present continuing crime.

(IV) The burden of proving the existence of a civil union for the purposes of this paragraph (a.5) shall be on the party asserting the claim.

(V) Notice of the assertion of the privilege described in this paragraph (a.5) shall be given as soon as practicable but not less than ten days prior to assertion at any hearing.

(VI) For the purposes of this paragraph (a.5), "partner in a civil union" means a person who has entered into a civil union established in accordance with the requirements of article 15 of title 14, C.R.S. (**Emphasis added**)

Similar ambiguity appears in the other statutory references listed in **Addendum A**. Some can be fixed by changing the term "husband" or "wife" to "spouse" or the term "father" or "mother" to "parent". Some of the references are a bit more nuanced and challenging, and those will be noted in the attached proposed bill.

Statutory Charge⁵

Modernizing references to "husband and wife", "husband or wife", "husband", "wife", "mother and father", "mother or father", "mother", and "father", as well as similar terms, to reflect the existence of same-sex marriages in Colorado meets the Committee's statutory charge to remove antiquated language, to clarify language, and to bring the law of this state into harmony with modern conditions.

Recommendation/Proposed Bill

Should the Statutory Revision Committee accept staff recommendation to modernize the statutory references to "husband", "father", and "mother" so they apply equally to opposite-sex and same-sex marriages, a draft bill is attached⁶ that demonstrates how the statutes would be amended. Additionally, staff would like to consult with other

⁵ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions". § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

⁶ See **Addendum B**.

experts regarding the effect of these changes and, more generally, the alignment of these statutes with the *Obergefell* decision.

Addendum A

Conforming amendments for "husband", "wife", "father", and "mother"

4-9-203 (j)	Unif. Comm. Code
4-9-525 (2)	Unif. Comm. Code
5-3-205	Credit code
8-2-202	Damages in case of death
8-2-203 (1)(a)/(b)/(c)	Labor relations – who may sue
8-9-104	Assignment of wages/joinder
8-70-129	Employee security
8-70-142 (1)(h)	Wages
8-80-103	Assignment of benefits
10-4-601 (10)	Auto insurance policy regulations
10-16-201 (1)(c)	Sickness/accident coverage
12-36-133 (2)	Medical practice – postmortems
12-37.5-103 (2)	Parental Notification Act – definitions
12-47-303 (1)(b)	Alcohol code – transfer of ownership
13-21-103	Damages – selling liquor to intoxicated person
13-21-201 (1)(c)(I)/(II) and (1)(d)	Damages – death by negligence
13-21-203 (1)(a)	Damages – death by negligence

13-54-104 (3)(b)(I)(A)	Restrictions on garnishment
**13-90-107 (1)(a)(I)/(II)/(III)	Spousal privilege against testifying against "husband/wife". Provision in section for partners in civil union, but nothing for individuals in a same-sex marriage
13-90-108	Witnesses/testimony
14-2-201 et seq.	"Rights of Married Women"
14-5-316 (i)	Unif. Interstate Family Support Act
14-6-101 (1)	Domestic law – nonsupport
14-6-105	Domestic law – desertion/nonsupport
14-6-110	Domestic law/nonsupport
14-10-106 (1)(c)(I)/(II)	Dissolution of marriage ("child of marriage")
14-10-107 (2)(d)	Dissolution of marriage
14-10-120.3 (1)(a)	Dissolution of marriage
14-12-104 (1)(b)/(c)	Dissolution of marriage/counseling
14-13-310 (4)	Unif. Child Custody Jurisdiction/Enforcement
15-1.5-106 (1)	Colo. Uniform Custodial Trust Act
15-11-120 (1)(c)(I), (4)	Assisted reproduction
15-11-712 (4)	Probate Code – intestate succession
15-11-802 (1)	Probate Code – intestate succession

15-11-804 (1)(b)	Probate Code – intestate succession
15-12-713 (1)	Sales/encumbrances
17-26-106	Prisoners – holding of male & female
18-3-102 (4)	Spousal privilege – homicide
18-3-411 (5)	Spousal privilege – sexual offenses
18-6-401 (3)	Spousal privilege – child abuse
18-6-401.1 (5)	Spousal privilege-wrongs to children
18-7-201	Prostitution
18-7-205	Prostitution
18-7-406	Prostitution
19-1-103 (44.5), (56), (56.5)	Children's Code – def. of "parent"/"grandparent"
19-3-311 (2)	Spousal privilege – child abuse
19-4-106 (1), (3), (4), (5)	Assisted reproduction
19-4-108	Unif. Parentage Act – statute limitations
19-4-110 (2 versions)	Unif. Parentage Act – parties
22-1-127 (1)(c)	School enrollment definitions
22-33-102 (10)	School attendance – def. of "parent"
24-6-202 multiple	Income disclosure

25-2-112 (2), IP(3)(a), (3)(a)(II)/(III)/(IV)	Birth certificates
29-11.8-105 (6)	Licensing/escort services
30-28-101 (10)(c)(VII)	County planning/bldg. codes
38-35-118 (1)	Conveyance of homestead
38-36-104 (1)(b)	Torrens Title Registration Act
38-36-107	Torrens – form of application
38-36-134	Torrens Title Registration Act
38-36-139	Torrens Title Registration Act
38-36-157	Torrens Title Registration Act
38-41-208 (1), (2)	Homestead exemptions
39-29-114 (3)	Members of group-tax purposes
40-33-101	Damages for injury to employee
40-33-108	Damages for injury – rt of action survives

Addendum B
Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL (2)(I)(iv)

Temporary storage location: S:\LLS\2018A\Bills\Pre-Draft\18-SRC husband wife terminology.wpd

LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING AMENDING STATUTORY PROVISIONS THAT CONTAIN**
102 **TERMINOLOGY DESCRIBING INDIVIDUALS BY THEIR MARITAL**
103 **STATUS THAT CAN BE AMBIGUOUSLY CONSTRUED IN THE**
104 **CONTEXT OF A SAME-SEX MARRIAGE.**

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/>.)

Statutory Revision Committee. The bill amends statutory provisions that contain terms such as "husband", "wife", "father", and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

"mother" that have unclear meaning or can be ambiguously construed when placed in the context of same-sex marriages.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 5-3-205 as
3 follows:

4 **5-3-205. Use of multiple agreements.** A creditor may not use
5 multiple agreements with respect to a single consumer credit transaction
6 for the purpose of obtaining a higher finance charge than would otherwise
7 be permitted by this code or to avoid disclosure of an annual percentage
8 rate pursuant to the provisions on disclosure and advertising. Dividing a
9 single consumer credit transaction between a husband and wife shall be
10 MARRIED SPOUSES IS presumed to be a violation of this section. The
11 excess amount of finance charge provided for in agreements in violation
12 of this section is an excess charge for the purposes of the provisions on
13 the effect of violations on rights of parties contained in section 5-5-201
14 and the provisions on civil actions by the administrator contained in
15 section 5-6-114.

16 **SECTION 2.** In Colorado Revised Statutes, **amend** 8-2-202 as
17 follows:

18 **8-2-202. Damages in case of death - limit.** If the death of a
19 ~~person~~ A PERSON'S DEATH is caused by an act of carelessness, omission of
20 duty, or negligence as provided in section 8-2-201, the corporation or
21 individual who would have been liable if the death had not ensued shall
22 be IS liable to an action for damages regardless of the death of the party
23 injured. In each such case the jury may award such damages as it deems
24 fair and just, with reference to the necessary injury resulting from such
25 THE death, to the parties who may be entitled to sue under this part 2;

1 except that, if the decedent ~~left neither~~ DID NOT LEAVE a ~~widow, widower,~~
2 ~~or~~ SURVIVING SPOUSE, minor children, ~~nor~~ OR a dependent ~~father or~~
3 ~~mother~~ PARENT, the damages recoverable in any such action shall not
4 exceed forty-five thousand dollars.

5 **SECTION 3.** In Colorado Revised Statutes, 8-2-203, **amend** (1)
6 introductory portion, (1)(a), (1)(b), and (1)(c) as follows:

7 **8-2-203. Who may sue - consolidation of actions.** (1) Every
8 ~~such action shall~~ ACTION in case of death SHALL be maintained:

9 (a) By the ~~husband or wife~~ SURVIVING SPOUSE of the deceased;

10 (b) If there is no ~~husband or wife~~ SURVIVING SPOUSE or if ~~he or~~
11 ~~she~~ THE SURVIVING SPOUSE fails to sue within one year after such death,
12 by the children of the deceased or their descendants;

13 (c) If ~~such~~ THE deceased is a minor or unmarried, without issue,
14 by ~~the father or mother~~ A PARENT or by both PARENTS jointly; or

15 **SECTION 4.** In Colorado Revised Statutes, **amend** 8-9-104 as
16 follows:

17 **8-9-104. Joinder of spouses in assignment - acknowledgment.**

18 ~~No~~ AN assignment of wages, except for child support, not already earned
19 at the time of the assignment or any sum to become due the assignor after
20 the date of ~~such~~ THE assignment ~~shall be~~ IS NOT valid unless, if the
21 assignor is married and residing with his OR HER spouse, ~~such~~ THE spouse
22 joins in and signs ~~such~~ THE assignment and ~~such~~ THE assignment is duly
23 acknowledged before a notary public or some other officer authorized by
24 the laws of Colorado to take acknowledgments.

25 **SECTION 5.** In Colorado Revised Statutes, **amend** 8-70-129 as
26 follows:

27 **8-70-129. Employment does not include - spouse - minor.**

1 "Employment" does not include services performed by an individual in
2 the employ of his OR HER spouse and service performed by a child under
3 the age of twenty-one in the employ of his father or mother ONE OR BOTH
4 OF HIS OR HER PARENTS.

5 **SECTION 6.** In Colorado Revised Statutes, 8-70-142, **amend**
6 (1)(h) as follows:

7 **8-70-142. Wages - remuneration not included as wages.**

8 (1) "Wages" does not include:

9 (h) Any contribution, payment, or service provided by an
10 employer which may be excluded from the gross income of an employee,
11 his OR HER spouse, or his OR HER dependents under the provisions of **26**
12 **U.S.C. section 120** <{*check status of this section. existing? repealed?*}>
13 (relating to amounts received under qualified group legal services plans);

14 **SECTION 7.** In Colorado Revised Statutes, **amend** 8-80-103 as
15 follows:

16 **8-80-103. Assignment of benefits void - exemptions.** Any
17 assignment, pledge, or encumbrance of any right to benefits which are or
18 may become due or payable under articles 70 to 82 <{*Do articles 83 and*
19 *84 need to be added?*}> of this title ~~shall be~~ TITLE 8 IS void. Except as
20 provided in the "Colorado Child Support Enforcement Procedures Act",
21 article 14 of title 14, ~~C.R.S.~~, such rights to benefits ~~shall be~~ ARE exempt
22 from levy, execution, attachment, or any other remedy provided for the
23 collection of debt. Benefits received by any individual, so long as they are
24 not mingled with other funds of the recipient, ~~shall be~~ ARE exempt from
25 any remedy for the collection of all debts except debts incurred for
26 necessities furnished to ~~such~~ THE individual, his OR HER spouse, or HIS OR
27 HER dependents during the time when ~~such~~ THE individual was

1 unemployed, or child support debt or arrearages as specified in article 14
2 of title 14. ~~C.R.S.~~ Any waiver of any exemption provided for in this
3 section ~~shall be~~ IS void.

4 **SECTION 8.** In Colorado Revised Statutes, 10-4-601, **amend**
5 (10) introductory portion as follows:

6 **10-4-601. Definitions.** As used in this part 6, unless the context
7 otherwise requires:

8 (10) "Policy" means an automobile insurance policy providing
9 coverage for all or any of the following coverages: Collision,
10 comprehensive, bodily injury liability, property damage liability, medical
11 payments, and uninsured motorist coverage, or a combination automobile
12 policy providing bodily injury liability, property damage liability, medical
13 payments, uninsured motorist, and physical damage coverage, delivered
14 or issued for delivery in this state, insuring a single individual, or ~~husband~~
15 ~~and wife~~ EITHER SPOUSE OF A MARRIAGE, or family members residing in
16 the same household, as named insured, and under which the insured
17 vehicles ~~therein~~ designated are of the following types only:

18 **SECTION 9.** In Colorado Revised Statutes, 10-16-201, **amend**
19 (1) introductory portion and (1)(c) as follows:

20 **10-16-201. Form and content of individual sickness and**
21 **accident insurance policies.** (1) ~~No such~~ A policy ~~shall~~ MUST NOT be
22 delivered or issued for delivery in this state unless:

23 (c) It purports to insure only one person, except as provided in
24 sections 10-16-214 and 10-16-215, and except that a policy or contract
25 may be issued upon the application of an adult member of a family, who
26 ~~shall be~~ IS deemed the policyholder, covering members of any one family,
27 including ~~husband, wife~~ A SPOUSE, dependent children or any children

1 under the age of nineteen, and other dependents living with the family;
2 and

3 **SECTION 10.** In Colorado Revised Statutes, 12-36-133, **amend**
4 (2) as follows:

5 **12-36-133. Postmortem examinations by licensee - definition**
6 **- application of this section.** (2) Consent for a licensee to conduct a
7 postmortem examination of the body of a deceased person ~~shall be~~ IS
8 deemed sufficient when given by whichever one of the following assumes
9 custody of the body for purposes of burial: ~~Father, mother, husband, wife~~
10 A PARENT, SPOUSE, child, guardian, next of kin, or, in the absence of any
11 of the foregoing, a friend or a person charged by law with the
12 responsibility for burial. If two or more such persons assume custody of
13 the body, the consent of one of them ~~shall be deemed~~ IS sufficient.

14 **SECTION 11.** In Colorado Revised Statutes, 12-37.5-103,
15 **amend** the introductory portion and (2) as follows:

16 **12-37.5-103. Definitions.** As used in this ~~article~~ ARTICLE 37.5,
17 unless the context otherwise requires:

18 (2) "Parent" means the natural or adoptive ~~mother and father~~
19 PARENT OR PARENTS of the minor who is pregnant, if they are both living;
20 one parent of the minor if only one is living, or if the other parent cannot
21 be served with notice, as hereinafter provided; or the court-appointed
22 guardian of ~~such~~ THE minor if she has one or any foster parent to whom
23 ~~the~~ HER care and custody of ~~such minor shall have~~ HAS been assigned by
24 any agency of the state or county making ~~such~~ THE placement.

25 **SECTION 12.** In Colorado Revised Statutes, 12-47-303, **amend**
26 (1)(b) as follows:

27 **12-47-303. Transfer of ownership and temporary permits.**

1 (1) (b) When a license has been issued to a ~~husband and wife~~ SPOUSE IN
2 A MARRIAGE, or to general or limited partners, the death of a spouse or
3 partner ~~shall~~ DOES not require the surviving spouse or partner to obtain a
4 new license. All rights and privileges granted under the original license
5 ~~shall~~ continue in full force and effect as to such survivors for the balance
6 of the license period.

7 **SECTION 13.** In Colorado Revised Statutes, **amend** 13-21-103
8 as follows:

9 **13-21-103. Damages for selling liquor to intoxicated person.**
10 ~~Every husband, wife, child, parent~~ A PARENT, CHILD, SPOUSE, guardian,
11 employer, or other person who is injured in person, or property, or means
12 of support by ~~any~~ AN intoxicated person, or in consequence of ~~the~~ A
13 PERSON'S intoxication, ~~of any person,~~ has a right of action, in his OR HER
14 name, against any person who, by selling or giving away intoxicating
15 liquors to ~~any habitual drunkard~~ A PERSON WHO IS HABITUALLY
16 INTOXICATED OR WHO HAS AN ALCOHOL USE DISORDER, causes the
17 intoxication, in whole or in part, of ~~such habitual drunkard and~~ THE
18 INTOXICATED PERSON. All damages recovered by a minor under this
19 section ~~shall~~ MUST be paid either to the minor or to his OR HER parent,
20 guardian, or next friend, as the court directs. The unlawful sale or giving
21 away of intoxicating liquors works a forfeiture of all rights of the lessee
22 or tenant under any lease or contract of rent upon the premises. ~~No~~
23 Liability ~~shall~~ DOES NOT accrue against any such person as provided
24 unless the ~~husband, wife, child,~~ parent, CHILD, SPOUSE, guardian, ~~or~~
25 employer, OR OTHER PERSON first, by written or printed notice, has
26 notified ~~such~~ THE person, or his OR HER agents or employees, not to sell
27 or give away any intoxicating liquors to ~~any habitual drunkard~~ A PERSON

1 WHO IS HABITUALLY INTOXICATED OR HAS AN ALCOHOL USE DISORDER.

2 **SECTION 14.** In Colorado Revised Statutes, 13-21-201, **amend**
3 (1) introductory portion, (1)(c)(I), (1)(c)(II), and (1)(d) as follows:

4 **13-21-201. Damages for death - definition.** (1) When ~~any~~ A
5 person dies from any injury resulting from or occasioned by the
6 negligence, unskillfulness, or criminal intent of any officer, agent,
7 servant, or employee while running, conducting, or managing any
8 locomotive, car, or train of cars, or of any driver of any coach or other
9 conveyance operated for the purpose of carrying either freight or
10 passengers for hire while in charge of the same as a driver, and when any
11 passenger dies from an injury resulting from or occasioned by any defect
12 or insufficiency in any railroad or any part ~~thereof~~ OF THE RAILROAD, or
13 in any locomotive or car, or other conveyance operated for the purpose of
14 carrying either freight or passengers for hire, the corporation or
15 individuals in whose employ ~~any such~~ THE officer, agent, servant,
16 employee, master, pilot, engineer, or driver is at the time ~~such~~ THE injury
17 is committed, or who owns any such railroad, locomotive, car, or other
18 conveyance operated for the purpose of carrying either freight or
19 passengers for hire at the time ~~any such~~ OF THE injury, ~~is received~~, and
20 resulting from or occasioned by the defect or insufficiency ~~above~~
21 described ~~shall forfeit and pay~~ IN SUBSECTION (1)(c) OF THIS SECTION
22 FORFEITS AND PAYS for every person and passenger ~~so injured the~~ A sum
23 ~~of~~ not exceeding ten thousand dollars and not less than three thousand
24 dollars, which may be sued for and recovered:

25 (c) (I) If the deceased is an unmarried minor without descendants
26 or an unmarried adult without descendants and without a designated
27 beneficiary pursuant to article 22 of title 15, ~~C.R.S.~~, by ~~the father or~~

1 ~~mother who~~ ONE OR BOTH OF THE DECEASED'S PARENTS may join in the
2 suit. Except as provided in ~~subparagraphs (II) and (III) of this paragraph~~
3 ~~(c), the father and mother shall~~ SUBSECTION (1)(c)(II) AND (1)(c)(III) OF
4 THIS SECTION, THE PARENT OR PARENTS OF THE DECEASED have an equal
5 interest in the judgment, or if either of them is dead, then the surviving
6 parent ~~shall have~~ HAS an exclusive interest in the judgment.

7 (II) For cases in which the ~~father and mother~~ DECEASED'S PARENTS
8 are divorced, separated, or living apart, a motion may be filed by either
9 ~~the father or the mother~~ PARENT prior to trial requesting the court to
10 apportion fairly any judgment awarded in the case. Where such a motion
11 is filed, the court shall conduct a post-judgment hearing at which the
12 ~~father and the mother shall~~ DECEASED'S PARENTS have the opportunity to
13 be heard and to produce evidence regarding each parent's relationship
14 with the deceased child.

15 (d) For purposes of this section, ~~"father or mother"~~ "PARENT"
16 means a natural parent of the deceased or a parent of the deceased by
17 adoption. ~~"Father or mother"~~ "PARENT" does not include a person whose
18 parental rights concerning the deceased were terminated pursuant to the
19 provisions of title 19. ~~C.R.S.~~

20 **SECTION 15.** In Colorado Revised Statutes, 13-21-203, **amend**
21 (1)(a) as follows:

22 **13-21-203. Limitation on damages.** (1) (a) All damages
23 accruing under section 13-21-202 ~~shall~~ MUST be sued for and recovered
24 by the same parties and in the same manner as provided in section
25 13-21-201. ~~and~~ In every such action, the jury may give such damages as
26 they ~~may~~ deem fair and just, with reference to the necessary injury
27 resulting from such death, including damages for noneconomic loss or

1 injury, as defined in section 13-21-102.5, and subject to the limitations of
2 this section. ~~and including~~ THE JURY MAY INCLUDE within noneconomic
3 loss or injury damages for grief, loss of companionship, pain and
4 suffering, and emotional stress, to the surviving parties who may be
5 entitled to sue. ~~and also having regard to the~~ THE JURY MAY INCLUDE
6 mitigating or aggravating circumstances attending any such wrongful act,
7 neglect, or default; except that, if the decedent ~~left neither a widow, a~~
8 ~~widower, minor children, nor a dependent father or mother~~ WAS NOT
9 SURVIVED BY A SPOUSE, MINOR CHILDREN, OR A DEPENDENT PARENT, the
10 damages recoverable in any such action ~~shall~~ MUST not exceed the
11 limitations for noneconomic loss or injury set forth in section
12 13-21-102.5, unless the wrongful act, neglect, or default causing death
13 constitutes a felonious killing, as defined in section 15-11-803 (1)(b)
14 ~~€R.S.~~, and as determined in the manner described in section 15-11-803
15 (7), ~~€R.S.~~, in which case there ~~shall be~~ IS no limitation on the damages
16 for noneconomic loss or injury recoverable in such action. ~~No action shall~~
17 AN ACTION MUST NOT be brought, and ~~no recovery shall~~ MUST NOT be had
18 under ~~both section~~ sections 13-21-201 and ~~section~~ 13-21-202. ~~and~~ In all
19 cases, the plaintiff is required to elect under which section he or she will
20 proceed. There ~~shall~~ MUST be only one civil action under this part 2 for
21 recovery of damages for the wrongful death of any one decedent.
22 Notwithstanding anything in this section or in section 13-21-102.5 to the
23 contrary, there ~~shall be~~ IS no recovery under this part 2 for noneconomic
24 loss or injury in excess of two hundred fifty thousand dollars, unless the
25 wrongful act, neglect, or default causing death constitutes a felonious
26 killing, as defined in section 15-11-803 (1)(b) ~~€R.S.~~, and as determined
27 in the manner described in section 15-11-803 (7). ~~€R.S.~~

1 **SECTION 16.** In Colorado Revised Statutes, 13-54-104, **amend**
2 **(3)(b)(I) introductory portion and (3)(b)(I)(A) as follows:**

3 **13-54-104. Restrictions on garnishment and levy under**
4 **execution or attachment - definitions.** (3) (b) (I) The maximum part of
5 the aggregate disposable earnings of an individual for any workweek
6 ~~which is~~ subject to garnishment or levy under execution or attachment to
7 enforce any order for the support of any person ~~shall~~ **MUST** not exceed:

8 (A) Where such individual is supporting his OR HER spouse or
9 dependent child, other than a spouse or child with respect to whose
10 support such order is used, fifty percent of ~~such~~ **THE** individual's
11 disposable earnings for that week; and

12 **SECTION 17.** In Colorado Revised Statutes, 13-90-107, **amend**
13 **(1)(a) and (1)(a.5) as follows:**

14 **13-90-107. Who may not testify without consent - privileges -**
15 **definitions.** (1) There are particular relations in which it is the policy of
16 the law to encourage confidence and to preserve it inviolate; therefore, a
17 person shall not be examined as a witness in the following cases:

18 (a) (I) Except as otherwise provided in section 14-13-310 (4),
19 ~~C.R.S., a husband~~ **A SPOUSE** shall not be examined for or against his ~~wife~~
20 **OR HER SPOUSE** without ~~her~~ **THE SPOUSE'S** consent. ~~nor a wife for or~~
21 ~~against her husband without his consent; nor~~ During the marriage or
22 afterward, **NEITHER SPOUSE** shall ~~either~~ be examined without the consent
23 of the other as to any communications made by one to the other during the
24 marriage. ~~but~~ This exception does not apply to a civil action or
25 proceeding by one **SPOUSE** against the other **SPOUSE**, a criminal action or
26 proceeding for a crime committed by one **SPOUSE** against the other
27 **SPOUSE**, or a criminal action or proceeding against one or both spouses

1 when the alleged offense occurred prior to the date of the parties'
2 marriage. However, this exception shall DOES not attach if the otherwise
3 privileged information is communicated after the marriage.

4 (II) The privilege described in this ~~paragraph (a)~~ SUBSECTION
5 (1)(a) does not apply to class 1, CLASS 2, or CLASS 3 felonies as described
6 in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), ~~C.R.S.~~, or to level 1 or
7 LEVEL 2 drug felonies as described in section 18-1.3-401.5 (2)(a). ~~C.R.S.~~
8 In this instance, during the marriage or afterward, a ~~husband~~ SPOUSE shall
9 not be examined for or against his ~~wife~~ OR HER SPOUSE as to any
10 communications intended to be made in confidence and made by one
11 SPOUSE to the other SPOUSE during the marriage without ~~his~~ THE SPOUSE'S
12 consent. ~~and a wife shall not be examined for or against her husband as~~
13 ~~to any communications intended to be made in confidence and made by~~
14 ~~one to the other without her consent.~~

15 (III) Communications between a ~~husband and wife~~ SPOUSES are
16 not privileged pursuant to this ~~paragraph (a)~~ SUBSECTION (1)(a) if ~~such~~
17 THE communications are made for the purpose of aiding the commission
18 of a future crime or of a present continuing crime.

19 (IV) The burden of proving the existence of a marriage for the
20 purposes of this ~~paragraph (a)~~ shall be SUBSECTION (1)(a) IS on the party
21 asserting the claim.

22 (V) Notice of the assertion of the ~~marital~~ SPOUSAL privilege shall
23 be given as soon as practicable but not less than ten days prior to assertion
24 at any hearing.

25 (VI) FOR THE PURPOSES OF THIS SUBSECTION (1)(a), "SPOUSE"
26 MEANS A PERSON WHO HAS ENTERED INTO A LEGAL MARRIAGE.

27 (a.5) (I) Except as otherwise provided in section 14-13-310 (5),

1 ~~C.R.S.~~, a partner in a civil union shall not be examined for or against the
2 other partner in the civil union without the other partner's consent. ~~nor~~
3 During the civil union or afterward, NEITHER PARTNER shall ~~either~~ be
4 examined without the consent of the other as to any communications
5 made by one to the other during the civil union. ~~except that~~ This
6 exception does not apply to a civil action or proceeding by one against the
7 other, a criminal action or proceeding for a crime committed by one
8 against the other, or a criminal action or proceeding against one or both
9 partners when the alleged offense occurred prior to the date of the parties'
10 certification of the civil union. However, this exception ~~shall~~ DOES not
11 attach if the otherwise privileged information is communicated after the
12 certification of the civil union.

13 (II) The privilege described in this ~~paragraph (a.5)~~ SUBSECTION
14 (1)(a.5) does not apply to class 1, CLASS 2, or CLASS 3 felonies as
15 described in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), ~~C.R.S.~~, or to
16 level 1 or LEVEL 2 drug felonies as described in section 18-1.3-401.5
17 (2)(a). ~~C.R.S.~~ In this instance, during the civil union or afterward, a
18 partner in a civil union shall not be examined for or against the other
19 partner in the civil union as to any communications intended to be made
20 in confidence and made by one to the other during the civil union without
21 the other partner's consent.

22 (III) Communications between partners in a civil union are not
23 privileged pursuant to this ~~paragraph (a.5) if such~~ SUBSECTION (1)(a.5) IF
24 THE communications are made for the purpose of aiding the commission
25 of a future crime or of a present continuing crime.

26 (IV) The burden of proving the existence of a civil union for the
27 purposes of this ~~paragraph (a.5) shall be~~ SUBSECTION (1)(a.5) IS on the

1 party asserting the claim.

2 (V) Notice of the assertion of the privilege described in this
3 ~~paragraph (a.5)~~ SUBSECTION (1)(a.5) shall be given as soon as practicable
4 but not less than ten days prior to assertion at any hearing.

5 (VI) For the purposes of this ~~paragraph (a.5)~~ SUBSECTION (1)(a.5),
6 "partner in a civil union" means a person who has entered into a civil
7 union established in accordance with the requirements of article 15 of title
8 14. C.R.S.

9 **SECTION 18.** In Colorado Revised Statutes, **amend** 13-90-108
10 as follows:

11 **13-90-108. Offer taken as consent.** The offer of a person of
12 himself OR HERSELF as a witness ~~shall be~~ IS deemed a consent to the
13 examination. The offer of a ~~wife, husband~~ SPOUSE, attorney, ~~clergyman~~
14 MEMBER OF THE CLERGY, physician, surgeon, certified public accountant,
15 or certified psychologist as a witness ~~shall be~~ IS deemed a consent to the
16 examination, within the meaning of section 13-90-107 (1)(a) to (1)(d),
17 (1)(f), and (1)(g).

18 **SECTION 19.** In Colorado Revised Statutes, 14-6-101, **amend**
19 (1) as follows:

20 **14-6-101. Nonsupport of spouse and children - penalty.**

21 (1) ~~Any~~ A person who willfully neglects, fails, or refuses to provide
22 reasonable support and maintenance for his OR HER spouse or for his OR
23 HER children under eighteen years of age, whether natural, adopted, or
24 whose parentage has been judicially determined, or who willfully fails,
25 refuses, or neglects to provide proper care, food, and clothing in case of
26 sickness for his OR HER spouse or ~~such~~ HIS OR HER children or any ~~such~~
27 OF HIS OR HER children being legally the inmates of a state or county home

1 or school for children in this state, or who willfully fails or refuses to pay
2 to a trustee, who may be appointed by the court to receive such payment,
3 or to the board of control of such home or school the reasonable cost of
4 keeping ~~such~~ HIS OR HER children in said home, or any person, being the
5 ~~father or mother of children~~ PARENT OF CHILDREN under eighteen years
6 of age, who leaves ~~such~~ HIS OR HER children with intent to abandon ~~such~~
7 THOSE children, or any ~~man~~ PERSON who willfully neglects, fails, or
8 refuses to provide proper care, food, and clothing to the mother of his
9 child during childbirth and attendant illness is guilty of a class 5 felony.

10 <{Note: This will require outside sources to weigh in on how to word
11 or if it is something that no longer gets enforced.}> It shall be IS an
12 affirmative defense, as defined in section 18-1-407, C.R.S., to a
13 prosecution under this section that owing to physical incapacity or other
14 good cause the defendant is unable to furnish the support, care, and
15 maintenance required by this section. ~~No~~ A child shall be IS NOT deemed
16 to lack proper care for the sole reason that he OR SHE is being provided
17 remedial treatment in accordance with section 19-3-103. C.R.S.

18 **SECTION 20.** In Colorado Revised Statutes, **amend** 14-6-105 as
19 follows:

20 **14-6-105. Spouse is competent witness.** In all proceedings or
21 prosecutions ~~under~~ PURSUANT TO this article, a wife or husband shall be
22 ARTICLE 6, A SPOUSE IS a competent witness against his OR HER spouse
23 with or without ~~his~~ THE SPOUSE'S consent.

24 **SECTION 21.** In Colorado Revised Statutes, **amend** 14-6-110 as
25 follows:

26 **14-6-110. Joint liability for family expenses.** The expenses of
27 the family and the education of the children are chargeable upon the

1 property of both ~~husband and wife~~ SPOUSES, or either of ~~them~~ SPOUSE
2 SEPARATELY, and in relation ~~thereto~~ they may be sued jointly or
3 separately.

4 **SECTION 22.** In Colorado Revised Statutes, 14-10-106, **amend**
5 (1)(c) introductory portion, (1)(c)(I), and (1)(c)(II) as follows:

6 **14-10-106. Dissolution of marriage - legal separation.** (1)(c) In
7 a proceeding to dissolve a marriage, ~~or in~~ a proceeding for legal
8 separation, or ~~in~~ a proceeding for declaration of invalidity, the court is
9 deemed to have made an adjudication of the parentage of a child of the
10 marriage if the court acts under circumstances that satisfy the
11 jurisdictional requirements of section 14-5-201 and the final order:

12 (I) Expressly identifies a child as a "child of the marriage", "issue
13 of the marriage", or similar words indicating that the husband is the father
14 BOTH SPOUSES ARE THE PARENTS of the child; or <{*Note: This is tricky*
15 *because of issues related to assisted reproduction. Need to check with*
16 *a family law/assisted reproduction legal expert on best way to handle.*}>

17 (II) Provides for support of the child by the husband ONE OF THE
18 SPOUSES, unless paternity is specifically disclaimed in the order. <{*Same*
19 *note as above.*}>

20 **SECTION 23.** In Colorado Revised Statutes, 14-10-107, **amend**
21 (2) introductory portion and (2)(d) as follows:

22 **14-10-107. Commencement - pleadings - abolition of existing**
23 **defenses - automatic, temporary injunction - enforcement.** (2) The
24 petition in a proceeding for dissolution of marriage or legal separation
25 ~~shall~~ MUST allege that the marriage is irretrievably broken and ~~shall~~ set
26 forth:

27 (d) The names, ages, and addresses of any living children of the

1 marriage and whether ~~the wife~~ ONE OF THE SPOUSES is pregnant;

2 **SECTION 24.** In Colorado Revised Statutes, 14-10-120.3,
3 **amend** (1)(a) as follows:

4 **14-10-120.3. Dissolution of marriage or legal separation upon**
5 **affidavit - requirements.** (1) Final orders in a proceeding for dissolution
6 of marriage or legal separation may be entered upon the affidavit of either
7 or both parties when:

8 (a) There are no minor children of the ~~husband and wife~~
9 MARRIAGE and ~~the wife is not~~ NEITHER SPOUSE IS pregnant or ~~the husband~~
10 ~~and wife are both~~ BOTH SPOUSES ARE represented by counsel and have
11 entered into a separation agreement that provides for the allocation of
12 parental responsibilities concerning the children of the marriage and
13 setting out the amount of child support to be provided by ~~the husband or~~
14 ~~wife~~ ONE SPOUSE SEPARATELY or both SPOUSES COMBINED; and

15 **SECTION 25.** In Colorado Revised Statutes, **amend** 14-12-104
16 as follows:

17 **14-12-104. Duties of domestic relations counselors.**

18 (1) Domestic relations counselors shall, under the supervision of and as
19 directed by the judge of the district court in which they are serving,
20 perform the following duties:

21 (a) Promptly consider all requests for counseling for the purpose
22 of disposing of such requests pursuant to this ~~article~~ ARTICLE 12;

23 (b) Counsel ~~husband or wife or both~~ ONE OR BOTH SPOUSES under
24 a schedule of fees set by the judge of the district court wherein the case
25 is heard. ~~said~~ THE fee IS to be paid by either ~~the husband or wife~~ SPOUSE
26 or jointly by ~~the husband and wife~~ BOTH SPOUSES, as determined by the
27 court, whether or not a petition for dissolution of marriage, declaration of

1 invalidity of marriage, or legal separation has been filed, if the spouses
2 have marital difficulties which may lead to a termination of the marriage
3 relationship;

4 (c) If, in the judgment of the counselor, prolonged counseling is
5 necessary or if it appears that medical, psychiatric, or religious assistance
6 is indicated, refer ~~the husband or wife~~ ONE or both SPOUSES to a
7 physician, psychiatrist, psychologist, social service agency, or ~~clergyman~~
8 MEMBER OF THE CLERGY of any religious denomination to which the
9 parties may belong.

10 **SECTION 26.** In Colorado Revised Statutes, 14-13-310, **amend**
11 (4) as follows:

12 **14-13-310. Hearing and order.** (4) A privilege against
13 disclosure of communications between spouses and a defense of
14 immunity based on the relationship of ~~husband and wife~~ THE SPOUSES or
15 parent and child may not be invoked in a proceeding under this part 3.

16 **SECTION 27.** In Colorado Revised Statutes, 15-1.5-106, **amend**
17 (1) as follows:

18 **15-1.5-106. Multiple beneficiaries - separate custodial trusts**
19 **- survivorship.** (1) Beneficial interests in a custodial trust created for
20 multiple beneficiaries are deemed to be separate custodial trusts of equal
21 undivided interests for each beneficiary. Except in a transfer or
22 declaration for use and benefit of ~~husband and wife~~ SPOUSES, for whom
23 survivorship is presumed, a right of survivorship does not exist unless the
24 instrument creating the custodial trust specifically provides for
25 survivorship.

26 **SECTION 28.** In Colorado Revised Statutes, **amend 15-11-120**
27 as follows: **<{Note: This whole section will need review and input from**

1 *family law/assisted reproduction attorneys.*}>

2 **15-11-120. Child conceived by assisted reproduction other**
3 **than child born to gestational carrier - definitions. (1) Definitions.** AS
4 USED in this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:

5 (a) "Birth mother" means a woman, other than a gestational carrier
6 under section 15-11-121, who gives birth to a child of assisted
7 reproduction. The term is not limited to a woman who is the child's
8 genetic mother.

9 (b) "Child of assisted reproduction" means a child conceived by
10 means of assisted reproduction by a woman other than a gestational
11 carrier under section 15-11-121.

12 (c) "Third-party donor" means an individual who produces eggs
13 or sperm used for assisted reproduction, whether or not for consideration.
14 The term does not include:

15 (I) A husband who provides sperm, or a wife who provides eggs,
16 that are used for assisted reproduction by the wife;

17 (II) The birth mother of a child of assisted reproduction; or

18 (III) An individual who has been determined under subsection (5)
19 or (6) of this section to have a parent-child relationship with a child of
20 assisted reproduction.

21 (2) **Third-party donor.** A parent-child relationship does not exist
22 between a child of assisted reproduction and a third-party donor.

23 (3) **Parent-child relationship with birth mother.** A parent-child
24 relationship exists between a child of assisted reproduction and the child's
25 birth mother.

26 (4) **Parent-child relationship with husband whose sperm were**
27 **used during his lifetime by his wife for assisted reproduction.** Except

1 as otherwise provided in subsections (9) and (10) of this section, a
2 parent-child relationship exists between a child of assisted reproduction
3 and the husband of the child's birth mother if the husband provided the
4 sperm that the birth mother used during his lifetime for assisted
5 reproduction.

6 (5) **Birth certificate - presumptive effect.** A birth certificate
7 identifying an individual other than the birth mother as the other parent
8 of a child of assisted reproduction presumptively establishes a
9 parent-child relationship between the child and that individual.

10 (6) **Parent-child relationship with another.** Except as otherwise
11 provided in subsections (7), (9), and (10) of this section, and unless a
12 parent-child relationship is established under subsection (4) or (5) of this
13 section, a parent-child relationship exists between a child of assisted
14 reproduction and an individual other than the birth mother who consented
15 to assisted reproduction by the birth mother with intent to be treated as the
16 other parent of the child. Consent to assisted reproduction by the birth
17 mother with intent to be treated as the other parent of the child is
18 established if the individual:

19 (a) Before or after the child's birth, signed a record that,
20 considering all the facts and circumstances, evidences the individual's
21 consent; or

22 (b) In the absence of a signed record under paragraph (a) of this
23 subsection (6) PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION:

24 (I) Functioned as a parent of the child no later than two years after
25 the child's birth;

26 (II) Intended to function as a parent of the child no later than two
27 years after the child's birth but was prevented from carrying out that intent

1 by death, incapacity, or other circumstances; or
2 (III) Intended to be treated as a parent of a posthumously
3 conceived child, if that intent is established by clear and convincing
4 evidence.

5 (7) **Record signed more than two years after the birth of the**
6 **child - effect.** For the purpose of paragraph (a) of subsection (6)
7 SUBSECTION (6)(a) of this section, neither an individual who signed a
8 record more than two years after the birth of the child, nor a relative of
9 that individual who is not also a relative of the birth mother, inherits from
10 or through the child unless the individual functioned as a parent of the
11 child before the child reached eighteen years of age.

12 (8) **Presumption - birth mother is married or surviving spouse.**
13 For the purpose of paragraph (b) of subsection (6) SUBSECTION (6)(b) of
14 this section, the following rules apply:

15 (a) If the birth mother is married at the time of conception and no
16 A divorce proceeding is then NOT pending, her spouse is presumed to
17 satisfy the requirements of subparagraph (I) or (II) of paragraph (b) of
18 subsection (6) SUBSECTION (6)(b)(I) OR (6)(b)(II) of this section.

19 (b) If the birth mother is a surviving spouse and at her deceased
20 spouse's death no A divorce proceeding was NOT pending, her deceased
21 spouse is presumed to satisfy the requirements of subparagraph (II) or
22 (III) of paragraph (b) of subsection (6) SUBSECTION (6)(b)(II) OR
23 (6)(b)(III) of this section.

24 (9) **Divorce before placement of eggs, sperm, or embryos.** If a
25 married couple is divorced before placement of eggs, sperm, or embryos,
26 a child resulting from the assisted reproduction is not a child of the birth
27 mother's former spouse, unless the former spouse consented in a record

1 that if assisted reproduction were to occur after divorce, the child would
2 be treated as the former spouse's child.

3 (10) **Withdrawal of consent before placement of eggs, sperm,**
4 **or embryos.** If, in a record, an individual withdraws consent to assisted
5 reproduction before placement of eggs, sperm, or embryos, a child
6 resulting from the assisted reproduction is not a child of that individual,
7 unless the individual subsequently satisfies subsection (6) of this section.

8 (11) **When posthumously conceived child treated as in**
9 **gestation.** If, under this section, an individual is a parent of a child of
10 assisted reproduction who is conceived after the individual's death, the
11 child is treated as in gestation at the time of the individual's death for
12 purposes of section 15-11-104 (1)(b) if the child is:

13 (a) In utero not later than thirty-six months after the individual's
14 death; or

15 (b) Born not later than forty-five months after the individual's
16 death.

17 **SECTION 29.** In Colorado Revised Statutes, 15-11-712, **amend**
18 (4) as follows: *<{Note: will need to have probate attorneys review and*
19 *provide input on this section.}>*

20 **15-11-712. Simultaneous death - disposition of property.**

21 (4) Where a husband and wife TWO SPOUSES have died leaving
22 community property and there is no clear and convincing evidence that
23 they have died otherwise than simultaneously, one-half of all the
24 community property shall pass as if the husband had survived, and as if
25 said one-half were his separate property, and the other one-half thereof
26 shall pass as if the wife had survived, and as if said other one-half were
27 her separate property.

1 **SECTION 30.** In Colorado Revised Statutes, 15-11-802, **amend**
2 (1) as follows:

3 **15-11-802. Effect of divorce, annulment, and decree of**
4 **separation.** (1) An individual who is divorced from the decedent or
5 whose marriage to the decedent has been annulled is not a surviving
6 spouse unless, by virtue of a subsequent marriage, he or she is married to
7 the decedent at the time of death. A decree of separation that does not
8 terminate the MARITAL status of ~~husband and wife~~ SPOUSES is not a
9 divorce for purposes of this section.

10 **SECTION 31.** In Colorado Revised Statutes, 15-11-804, **amend**
11 (1)(b) as follows:

12 **15-11-804. Revocation of probate and nonprobate transfers by**
13 **divorce - no revocation by other changes of circumstances -**
14 **definitions.** (1) **Definitions.** As used in this section, unless the context
15 otherwise requires:

16 (b) "Divorce or annulment" means any divorce or annulment, or
17 any dissolution or declaration of invalidity of a marriage, that would
18 exclude the spouse as a surviving spouse within the meaning of section
19 15-11-802. A decree of separation that does not terminate the MARITAL
20 status of ~~husband and wife~~ SPOUSES is not a divorce for purposes of this
21 section.

22 **SECTION 32.** In Colorado Revised Statutes, 15-12-713, **amend**
23 (1) introductory portion as follows:

24 **15-12-713. Sale, encumbrance, or transaction involving**
25 **conflict of interest - voidable - exceptions.** (1) Any sale or
26 encumbrance to the personal representative, his OR HER spouse, agent, or
27 attorney, or any corporation or trust in which he OR SHE has a beneficial

1 interest, or any transaction which is affected by a conflict of interest on
2 the part of the personal representative, is voidable by any person
3 interested in the estate except one who has consented, unless:

4 **SECTION 33.** In Colorado Revised Statutes, **amend 17-26-106**
5 **as follows:**

6 **17-26-106. Male and female prisoners.** Male and female
7 prisoners, except husband and wife, shall not be put or kept in the same
8 room. <{*Question: Does this need any change?*}>

9 **SECTION 34.** In Colorado Revised Statutes, 18-3-102, **amend**
10 **(4)** as follows:

11 **18-3-102. Murder in the first degree.** (4) The statutory privilege
12 between patient and physician and between ~~husband and wife shall not be~~
13 SPOUSES IS NOT available for excluding or refusing testimony in any
14 prosecution for the crime of murder in the first degree as described in
15 ~~paragraph (f) of subsection (1)~~ SUBSECTION (1)(f) of this section.

16 **SECTION 35.** In Colorado Revised Statutes, 18-3-411, **amend**
17 **(5)** as follows:

18 **18-3-411. Sex offenses against children - "unlawful sexual**
19 **offense" defined - limitation for commencing proceedings - evidence**
20 **- statutory privilege.** (5) The statutory privilege between ~~the husband~~
21 ~~and the wife shall not be~~ SPOUSES IS NOT available for excluding or
22 refusing testimony in any prosecution of an unlawful sexual offense.

23 **SECTION 36.** In Colorado Revised Statutes, 18-6-401, **amend**
24 **(3)** as follows:

25 **18-6-401. Child abuse - definition - statutory privilege.** (3) The
26 statutory privilege between patient and physician and between ~~husband~~
27 ~~and wife shall not be~~ SPOUSES IS NOT available for excluding or refusing

1 testimony in any prosecution for a violation of this section.

2 **SECTION 37.** In Colorado Revised Statutes, 18-6-401.1, **amend**
3 (5) as follows:

4 **18-6-401.1. Child abuse - limitation for commencing**
5 **proceedings - evidence - definition - statutory privilege.** (5) The
6 statutory privilege between the victim-patient and his OR HER physician
7 and between ~~the husband and the wife shall not be~~ SPOUSES IS NOT
8 available for excluding or refusing testimony in any prosecution of an act
9 of child abuse.

10 **SECTION 38.** In Colorado Revised Statutes, 18-7-201, **amend**
11 (1) as follows:

12 **18-7-201. Prostitution prohibited - definitions.** (1) ~~Any~~ A
13 person who performs or offers or agrees to perform any act of sexual
14 intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with
15 any person WHO IS not his OR HER spouse in exchange for money or other
16 thing of value commits prostitution.

17 **SECTION 39.** In Colorado Revised Statutes, 18-7-205, **amend**
18 (1) introductory portion as follows:

19 **18-7-205. Patronizing a prostitute.** (1) ~~Any~~ A person who
20 performs any of the following with a person WHO IS not his OR HER
21 spouse commits patronizing a prostitute:

22 **SECTION 40.** In Colorado Revised Statutes, 18-7-406, **amend**
23 (1) introductory portion as follows:

24 **18-7-406. Patronizing a prostituted child.** (1) ~~Any~~ A person
25 who performs any of the following with a child not his OR HER spouse
26 commits patronizing a prostituted child: <{**Does this mean "with a child**
27 **and NOT with his or her spouse? Surely it doesn't mean what it almost**

1 *literally says... "a child who is not his spouse..."? }>*

2 SECTION 41. In Colorado Revised Statutes, 19-1-103, **amend**
3 (44.5), (56), and (56.5) as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
5 portion of this title 19, unless the context otherwise requires:

6 (44.5) "Donor", as used in section 19-4-106, means an individual
7 who produces eggs or sperm used for assisted reproduction, whether or
8 not for consideration. "Donor" does not include a husband who provides
9 sperm, or a wife who provides eggs, to be used for assisted reproduction
10 by the wife. <{*Need to harmonize with 15-11-120 above...Discuss with*
11 *assisted reproduction atty...*}>

12 (56) (a) "Grandparent" means a person who is the parent of ONE
13 OF a child's ~~father or mother~~ PARENTS, who is related to the child by
14 blood, in whole or by half, adoption, or marriage.

15 (b) "Grandparent", as used in sections 19-1-117 and 19-1-117.5,
16 has the same meaning as set forth in ~~paragraph (a) of this subsection (56)~~
17 SUBSECTION (56)(a) OF THIS SECTION; except that "grandparent" does not
18 include the parent of ONE OF a child's legal ~~father or mother~~ PARENTS
19 whose parental rights have been terminated in accordance with sections
20 19-5-101 and 19-1-104 (1)(d).

21 (56.5) "Great-grandparent", as used in sections 19-1-117 and
22 19-1-117.5, means a person who is the grandparent of ONE OF a child's
23 ~~father or mother~~ PARENTS, who is related to the child by blood, in whole
24 or by half, adoption, or marriage. "Great-grandparent" does not include
25 the grandparent of ONE OF a child's legal ~~father or mother~~ PARENTS whose
26 parental rights have been terminated in accordance with sections
27 19-5-101 and 19-1-104 (1)(d).

1 **SECTION 42.** In Colorado Revised Statutes, 19-3-311, **amend**
2 (2) as follows:

3 **19-3-311. Evidence not privileged.** (2) The privileged
4 communication between ~~husband and wife shall not be a ground~~ SPOUSES
5 IS NOT GROUNDS for excluding evidence in any judicial proceeding
6 resulting from a report pursuant to this part 3.

7 **SECTION 43.** In Colorado Revised Statutes, 19-4-106, **amend**
8 (1), (3), (4), and (5) as follows: <{*Need to harmonize with*
9 *15-11-120..discuss with assisted reproduction atty...}*>

10 **19-4-106. Assisted reproduction.** (1) If, under the supervision
11 of a licensed physician or advanced practice nurse and with the consent
12 of her husband, a wife consents to assisted reproduction with sperm
13 donated by a man not her husband, the husband is treated in law as if he
14 were the natural father of a child thereby conceived. If, under the
15 supervision of a licensed physician or advanced practice nurse and with
16 the consent of her husband, a wife consents to assisted reproduction with
17 an egg donated by another woman, to conceive a child for herself, not as
18 a surrogate, the wife is treated in law as if she were the natural mother of
19 a child thereby conceived. Both the husband's and the wife's consent must
20 be in writing and signed by each of them. The physician or advanced
21 practice nurse shall certify their signatures and the date of the assisted
22 reproduction and shall file the consents with the department of public
23 health and environment, where they shall be kept confidential and in a
24 sealed file; however, the physician's failure to do so does not affect the
25 father and child relationship or the mother and child relationship. All
26 papers and records pertaining to the assisted reproduction, whether part
27 of the permanent record of a court or of a file held by the supervising

1 physician or advanced practice nurse or elsewhere, are subject to
2 inspection only upon an order of the court for good cause shown.

3 (3) If a husband provides sperm for, or consents to, assisted
4 reproduction by his wife as provided in subsection (1) of this section, he
5 is the father of the resulting child.

6 (4) The requirement for consent set forth in subsection (1) of this
7 section does not apply to the donation of eggs by a married woman for
8 assisted reproduction by another woman or to the donation of sperm by
9 a married man for assisted reproduction by a woman who is not his wife.

10 (5) Failure of the husband to sign a consent required by subsection
11 (1) of this section before or after the birth of the child does not preclude
12 a finding that the husband is the father of a child born to his wife pursuant
13 to section 19-4-105 (2)(a).

14 **SECTION 44.** In Colorado Revised Statutes, **amend** 19-4-108 as
15 follows:

16 **19-4-108. Statute of limitations.** An action to determine the
17 existence of the father and child relationship may be brought at any time
18 prior to the child's eighteenth birthday by ~~the mother or father of said~~
19 EITHER PARENT OF THE child, by the child, or by the delegate child support
20 enforcement agency. If, however, the statute of limitations in effect at the
21 time of the child's birth was less than eighteen years, the delegate child
22 support enforcement agency may bring an action on behalf of the ~~said~~
23 THE child at any time prior to the child's twenty-first birthday. An action
24 brought by a child whose paternity has not been determined may be
25 brought at any time prior to the child's twenty-first birthday. This section
26 and section 19-4-107 do not extend the time within which a right of
27 inheritance or a right to a succession may be asserted beyond the time

1 provided by law relating to distribution and closing of decedents' estates
2 or to the determination of heirship, or otherwise.

3 **SECTION 45.** In Colorado Revised Statutes, **amend** 19-4-110 as
4 follows:

5 **19-4-110. Parties.** The child may be made a party to the action.
6 If the child is a minor, the court may appoint a guardian ad litem.
7 NEITHER OF the child's ~~mother or father~~ PARENTS may ~~not~~ represent the
8 child as guardian or otherwise. The court shall make the natural mother,
9 each man presumed to be the father under section 19-4-105, and each
10 man alleged to be the natural father parties or, if not subject to the
11 jurisdiction of the court, provide notice of the action in a manner
12 prescribed by the court and an opportunity to be heard. If a man who is
13 alleged to be the natural father is deceased, the court shall make the
14 personal representative of his estate, if one has been appointed, a party.
15 If a personal representative has not been appointed, the court shall make
16 the deceased man's spouse or an immediate blood relative a party. If a
17 spouse or immediate blood relative is not known or does not exist, the
18 court shall appoint a representative for the alleged natural father who is
19 deceased. The court may align the parties. When the person to be served
20 has no residence within Colorado and his or her place of residence is not
21 known or when he or she cannot be found within the state after due
22 diligence, service must be by publication pursuant to rule 4 (g) of the
23 Colorado rules of civil procedure; except that service must be by a single
24 publication and must be completed not less than five days prior to the
25 time set for hearing on paternity adjudication.

26 **SECTION 46.** In Colorado Revised Statutes, 22-1-102, **amend**
27 (2) introductory portion and (2)(f) as follows:

1 **22-1-102. Residence of child.** (2) A child ~~shall be~~ IS deemed to
2 reside in a school district if:

3 (f) If one of the child's parents or ~~the~~ HIS OR HER guardian ~~of his~~
4 ~~person~~ is a public officer or employee living temporarily for the
5 performance of his OR HER duties in a school district other than that of his
6 OR HER residence. **Unless the parents of a child are permanently**
7 **separated, the residence of the husband shall be deemed to be IS the**
8 **residence of the child, but, if the parents have permanently separated, the**
9 **residence of the child shall be IS that of the parent with whom the child**
10 **actually lives.** <{***Problematic - need to get review/input from family law***
11 ***atty and CDE.***>

12 **SECTION 47.** In Colorado Revised Statutes, 22-1-127, **amend**
13 (1)(c) as follows:

14 **22-1-127. Incentives for school enrollment or attendance -**
15 **prohibited - exceptions - definitions.** (1) As used in this section, unless
16 the context otherwise requires:

17 (c) "Parent" means the biological or adoptive ~~mother or father or~~
18 ~~stepmother or stepfather~~ PARENT OR STEPPARENT of a child or any other
19 person having legal or physical custody of a child.

20 **SECTION 48.** In Colorado Revised Statutes, 22-33-102, **amend**
21 the introductory portion and (10) as follows:

22 **22-33-102. Definitions.** As used in this ~~article~~ ARTICLE 33, unless
23 the context otherwise requires:

24 (10) "Parent" means the ~~mother or father~~ NATURAL OR ADOPTIVE
25 PARENT of a child or any other person having custody of a child.

26 **SECTION 49.** In Colorado Revised Statutes, 24-6-202, **amend**
27 (2) introductory portion, (2)(a), (2)(b), (2)(c), (2)(d), (2)(f), (2)(g), and (6)

1 as follows:

2 **24-6-202. Disclosure - contents - filing - false or incomplete**
3 **filing - penalty.** (2) Disclosure ~~shall include~~ INCLUDES:

4 (a) The names of any source or sources of any income, including
5 capital gains, whether or not taxable, of the person making disclosure, his
6 OR HER spouse, and minor children residing with ~~him~~ THE PERSON
7 MAKING DISCLOSURE;

8 (b) The name of each business, insurance policy, or trust in which
9 ~~he, his spouse~~ THE PERSON MAKING DISCLOSURE, HIS OR HER SPOUSE, or
10 minor children residing with ~~him~~ THE PERSON MAKING DISCLOSURE has
11 a financial interest in excess of five thousand dollars;

12 (c) The legal description of any interest in real property, including
13 an option to buy, in the state in which the person making disclosure, his
14 OR HER spouse, or minor children residing with ~~him~~ THE PERSON MAKING
15 DISCLOSURE have any interest, direct or indirect, the market value of
16 which is in excess of five thousand dollars;

17 (d) The identity, by name, of all offices, directorships, and
18 fiduciary relationships held by the person making disclosure, his OR HER
19 spouse, and minor children residing with ~~him~~ THE PERSON MAKING
20 DISCLOSURE;

21 (f) The name of each creditor to whom the person making
22 disclosure, his OR HER spouse, or minor children RESIDING WITH THE
23 PERSON MAKING DISCLOSURE owe money in excess of one thousand
24 dollars and the interest rate;

25 (g) A list of businesses with which the person making disclosure
26 or his OR HER spouse are associated that do business with or are regulated
27 by the state and the nature of such business or regulation;

1 (6) Any person subject to the provisions of this section may elect
2 to file ANNUALLY with the secretary of state ~~annually~~ a copy of his OR HER
3 federal income tax return and any separate federal income tax return filed
4 by his OR HER spouse or minor children residing with ~~him~~ THE PERSON
5 MAKING DISCLOSURE, together with a certified statement of any
6 investments held by ~~him, his~~ THE PERSON MAKING DISCLOSURE, HIS OR
7 HER spouse, or minor children residing with ~~him~~ THE PERSON MAKING
8 DISCLOSURE which are not reflected by the income tax returns in lieu of
9 complying with the provisions of subsections (1) to (4) of this section.
10 ~~which~~ THE tax return and any statement filed under the provisions of this
11 subsection (6) ~~shall be~~ ARE public information.

12 **SECTION 50.** In Colorado Revised Statutes, 25-2-112, **amend**
13 (2), (3)(a) introductory portion, (3)(a)(II), (3)(a)(III), and (3)(a)(IV) as
14 follows:

15 **25-2-112. Certificates of birth - filing - establishment of**
16 **paternity.** (2) When a birth occurs in an institution, or upon order of any
17 court with proper jurisdiction, the person in charge of the institution or
18 ~~such person's~~ HIS OR HER designated representative shall obtain the
19 personal data, prepare the certificate, certify the authenticity of the birth
20 registration either by signature or by an approved electronic process, and
21 file it with the state registrar or as otherwise directed by the state registrar
22 within the required ten days. The physician in attendance shall provide the
23 medical information required by the certificate within five days after the
24 birth. When the birth occurs outside an institution, THE PHYSICIAN IN
25 ATTENDANCE SHALL PREPARE AND FILE the certificate ~~shall be prepared~~
26 ~~and filed by the physician in attendance~~ at or immediately after birth, or
27 in the absence of such a physician, by any person witnessing the birth, or

1 in the absence of any such witness by ~~the father or mother~~ ONE OR BOTH
2 OF THE PARENTS, or in the absence of ~~the father and the inability of the~~
3 ~~mother~~ OR INABILITY OF BOTH PARENTS by the person in charge of the
4 premises where the birth occurred. The person who completes and files
5 the certificate shall also be responsible for obtaining the social security
6 account numbers of the parents and delivering those numbers to the state
7 registrar along with the certificate.

8 (3) (a) If the mother was married either at the time of conception
9 or birth, the name of the husband shall be entered on the certificate as the
10 father of the child unless: *<{Need input from family law/assisted*
11 *reproduction attys on this whole subsection (3)}>*

12 (II) The mother and the mother's husband execute joint or separate
13 forms prescribed and furnished by the state registrar reflecting the
14 mother's and the husband's signatures individually witnessed and attesting
15 that the husband is not the father of the child, in which case, information
16 about the father shall be omitted from the certificate; or

17 (III) The mother executes a form prescribed and furnished by the
18 state registrar attesting that the husband is not the father and that the
19 putative father is the father, the putative father executes a form prescribed
20 and furnished by the state registrar attesting that he is the father, and the
21 husband executes a form prescribed and furnished by the state registrar
22 attesting that he is not the father. Such forms may be joint or individual
23 or a combination thereof, and each signature shall be individually
24 witnessed. In such event, the putative father shall be shown as the father
25 on the certificate.

26 (IV) A court of competent jurisdiction has determined the husband
27 is not the presumed father and the putative father executes a form

1 prescribed and furnished by the state registrar which is individually
2 witnessed attesting that he is the father and the mother executes a form
3 prescribed and furnished by the state registrar which is individually
4 witnessed that the putative father is the father. In such event the putative
5 father shall be shown as the father on the birth certificate.

6 **SECTION 51.** In Colorado Revised Statutes, 29-11.8-105,
7 **amend** (6) as follows:

8 **29-11.8-105. Licensing - general provisions.** (6) When a license
9 has been issued to a ~~husband and wife~~ MARRIED SPOUSE, the death of a
10 spouse ~~shall~~ DOES not require the surviving spouse to obtain a new
11 license. All rights and privileges granted under the original license ~~shall~~
12 continue in full force and effect as to the survivor for the balance of the
13 license.

14 **SECTION 52.** In Colorado Revised Statutes, 30-28-101, **amend**
15 (10)(c) introductory portion and (10)(c)(VII) as follows:

16 **30-28-101. Definitions.** As used in this part 1, unless the context
17 otherwise requires:

18 (10) (c) Unless the method of disposition is adopted for the
19 purpose of evading this part 1, the terms "subdivision" and "subdivided
20 land", as defined in ~~paragraph (a) of this subsection (10), shall~~
21 SUBSECTION (10)(a) OF THIS SECTION, DO not apply to any division of
22 land:

23 (VII) Which is created by the acquisition of an interest in land in
24 the name of a ~~husband and wife~~ MARRIED SPOUSES or other persons in
25 joint tenancy or as tenants in common, and any such interest ~~shall be~~ IS
26 deemed for purposes of this subsection (10) as only one interest;

27 **SECTION 53.** In Colorado Revised Statutes, 38-35-118, **amend**

1 (1) as follows:

2 **38-35-118. Homestead, how conveyed - claimant insane.**

3 (1) Except as provided in section 38-41-202 (3), to convey or encumber
4 homesteaded property, ~~the husband and wife~~ MARRIED SPOUSES, if the
5 owner ~~thereof~~ is married, shall execute the conveyance or encumbrance.
6 ~~Such~~ THE conveyance or encumbrance may be by one instrument or
7 separate instruments which may be acknowledged in the manner provided
8 by articles 30 to 44 of this ~~title~~ TITLE 38. A recital in any recorded
9 conveyance or encumbrance of real property of the marital status of the
10 party executing the same or that the property is or is not occupied as a
11 home by the owner ~~thereof~~ or his OR HER family shall be prima facie
12 evidence of the facts. ~~therein stated.~~ **If the owner of the homesteaded**
13 **property and a person of the opposite sex, both bearing the same surname,**
14 **join in the conveyance or encumbrance, thereof, the identity of surnames**
15 **shall be prima facie evidence that such parties are husband and wife for**
16 **the purposes of this article ARTICLE 35.** <{*Need review/input from family*

17 *law atty...*}>

18 **SECTION 54.** In Colorado Revised Statutes, 38-36-104, **amend**
19 (1) introductory portion and (1)(b) as follows:

20 **38-36-104. Contents of application.** (1) The application ~~shall~~
21 MUST be in writing and ~~shall~~ MUST be signed and verified by the oath of
22 the applicant or the person acting ~~in~~ ON his OR HER behalf. It ~~shall~~ MUST
23 set forth substantially:

24 (b) Whether the applicant (except in the case of a corporation) is
25 married or not, and if married, the name and residence of the ~~husband or~~
26 ~~wife~~ APPLICANT'S SPOUSE, and the age of the applicant;

27 **SECTION 55.** In Colorado Revised Statutes, **amend** 38-36-134

1 as follows:

2 **38-36-134. Contents of decree - certified copy filed.** (1) Every
3 decree of registration ~~shall~~ MUST bear the year, day, hour, and minute of
4 its entry and ~~shall~~ MUST be signed by one of the judges of the district
5 court. ~~It shall~~ THE DECREE OF REGISTRATION MUST ALSO:

6 (a) State whether the owner is married or unmarried and, if
7 married, the name of the ~~husband or wife~~ OWNER'S SPOUSE;

8 (b) If the owner is under disability, ~~it shall~~ state the nature of the
9 disability, and, if a minor, ~~shall~~ state his OR HER age;

10 (c) ~~It shall~~ Contain a description of the land as finally determined
11 by the court and ~~shall~~ set forth the estate of the owner, and also, in such
12 manner as to show their relative priority, all particular estates, mortgages,
13 easements, liens, attachments, homesteads, and other encumbrances,
14 including rights of ~~husband and wife~~ EACH SPOUSE, if any, to which the
15 land or the owner's estate is subject and ~~shall~~ contain any other matter or
16 information properly to be determined by the court in pursuance of this
17 ~~article. The decree shall~~ ARTICLE 36; AND

18 (d) Be stated in a convenient form for transcription upon the
19 certificate of title, to be made as provided in section 38-36-139 by the
20 registrar of titles.

21 (2) Immediately upon the filing of the decree of registration, the
22 clerk shall file a certified copy ~~thereof~~ in the office of the registrar of
23 titles.

24 **SECTION 56.** In Colorado Revised Statutes, **amend** 38-36-139
25 as follows:

26 **38-36-139. Contents and form of certificate of registration.**

27 (1) The certificate of registration ~~shall~~ MUST contain the name of the

1 owner, a description of the land and of the estate of the owner, and ~~shall~~
2 MUST by memorial or notation contain a description of all encumbrances,
3 liens, and interest to which the estate of the owner is subject. ~~It shall~~ THE
4 CERTIFICATE OF REGISTRATION MUST ALSO:

5 (a) State the residence of the owner and, if a minor, give his OR
6 HER age;

7 (b) If THE OWNER IS under disability, ~~it shall~~ state the nature of the
8 disability;

9 (c) ~~it shall~~ State whether married or not, and, if married, the name
10 of the ~~husband or wife~~ OWNER'S SPOUSE;

11 (d) In case of a trust, condition, or limitation, ~~it shall~~ state the
12 trust, condition, or limitation, as the case may be;

13 (e) ~~It shall~~ Contain and conform in respect to all statements in the
14 certified copy of the decree of registration filed with the registrar of titles
15 as provided in section 38-36-134; and

16 (f) ~~shall~~ Be in a form substantially as follows:

17 FIRST CERTIFICATE OF TITLE.

18 Pursuant to order of district court of county.

19 STATE OF COLORADO)

20) ss.

21 County of)

22 This is to certify that A B of, county of
23, state of is now the owner of an estate (describe the
24 estate) of, and in (describe the land), subject to the encumbrances, liens,
25 and interests noted by the memorial underwritten or endorsed thereon,
26 subject to the exceptions and qualifications mentioned in section
27 38-36-133. (Here note all statements provided herein to appear upon the

1 certificate.)

2 In witness whereof, I have hereunto set my hand and affixed the
3 official seal of my office this day of, A.D. 20.... .

4 (Seal)

5

6 Registrar of Titles.

7 **SECTION 57.** In Colorado Revised Statutes, **amend** 38-36-157
8 as follows:

9 **38-36-157. Registered land subject to same laws as**
10 **unregistered land.** Registered land and ownership ~~therein shall~~ MUST in
11 all respects be subject to the same burdens and incidents which attach by
12 law to unregistered land. Nothing in this ~~article shall~~ ARTICLE 36 in any
13 way ~~be construed to relieve~~ RELIEVES registered land or the owners
14 ~~thereof~~ from any rights incident to the relation of ~~husband and wife~~
15 MARRIED SPOUSES, or from liability to attachment on mesne process, or
16 levy on execution, or from liability of any lien of any description
17 established by law on land and the improvements thereon, or the interest
18 of the owner in ~~such~~ THE land or improvements, or to change the laws of
19 descent, or the rights of partition between cotenants, or the right to take
20 the same by eminent domain, or to relieve ~~such~~ THE land from liability to
21 be recovered by an assignee in insolvency or trustee in bankruptcy under
22 the provisions of law relating thereto, or to change or affect in any way
23 any other rights or liabilities created by law and applicable to unregistered
24 land, except as otherwise expressly provided in this ~~article~~ ARTICLE 36.

25 **SECTION 58.** In Colorado Revised Statutes, **amend** 38-41-208
26 as follows:

27 **38-41-208. Survival of exemption.** (1) If the property qualifies

1 as a homestead for a joint tenant who is the ~~husband or wife~~ SPOUSE of
2 the other joint tenant or one of the other joint tenants, then, upon the
3 death of either spouse, the homestead ~~shall continue~~ CONTINUES in effect
4 on the interest in ~~such~~ THE property of the surviving spouse. If the
5 property qualifies as a homestead for a joint tenant who is the parent of
6 one or more of the other joint tenants who are minors, then, upon the
7 death of such parent leaving no spouse surviving, the homestead ~~shall~~
8 ~~continue~~ CONTINUES in effect on the interest in ~~such~~ THE property of the
9 surviving minor children.

10 (2) If the property qualifies as a homestead for a joint tenant who
11 is not related to any other joint tenant as ~~husband or wife~~ A SPOUSE or
12 parent and minor child, then, upon the death of ~~such~~ THE joint tenant, his
13 OR HER homestead ~~shall cease and terminate~~ CEASES AND TERMINATES,
14 and THE SURVIVING TENANTS SHALL HOLD the property ~~shall be held by~~
15 ~~the surviving tenants~~ free of any homestead interest of ~~such~~ THE decedent,
16 his OR HER spouse, or his OR HER minor children.

17 **SECTION 59.** In Colorado Revised Statutes, 39-29-114, **amend**
18 (3) as follows:

19 **39-29-114. Component members of a controlled group treated**
20 **as one taxpayer - definition.** (3) In the case of individuals who are
21 members of the same family, the exemptions allowed under this ~~article~~
22 ~~shall~~ ARTICLE 29 MUST be allocated among ~~such~~ THE individuals in
23 proportion to their respective quantities of production from the property
24 of ~~such~~ THE individuals. For the purposes of this ~~article~~ ARTICLE 29, the
25 family of an individual ~~shall be deemed to include~~ INCLUDES only his OR
26 HER spouse and children.

27 **SECTION 60.** In Colorado Revised Statutes, **amend** 40-33-101

1 as follows:

2 **40-33-101. Damages for injury of employee.** Every common
3 carrier by railroad in the state of Colorado ~~shall be~~ IS liable in damages
4 to any person suffering injury while he OR SHE is employed by ~~such~~ THE
5 carrier in or about the transporting or handling of any freight, property,
6 passengers, engine, locomotive, or other vehicle upon the tracks of ~~such~~
7 THE carrier, or in case of the death of ~~such~~ THE employee, to his OR HER
8 personal representative for the benefit of the surviving ~~widow, or husband~~
9 SPOUSE, children, parents, or dependents of ~~such~~ THE employee, for such
10 injury or death resulting in whole or in part from the negligence of any of
11 the officers, agents, or employees of ~~such~~ THE employer, or by reason of
12 any defect or insufficiency due to the employer's negligence.

13 **SECTION 61.** In Colorado Revised Statutes, **amend** 40-33-108
14 as follows:

15 **40-33-108. Right of action survives.** Any right of action given
16 by this ~~article~~ ARTICLE 33, to a person suffering injury ~~shall survive~~
17 SURVIVES to his OR HER personal representative, for the benefit of the
18 surviving ~~widow or husband~~ SPOUSE and children of ~~such~~ THE employee;
19 and, if none, then of ~~such~~ THE employee's parents; and, if none, then of
20 the next of kin dependent upon ~~such~~ THE employee, but in such cases
21 there ~~shall~~ MUST be only one recovery for the same injury.

22 **SECTION 62. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 ■, 2018, if adjournment sine die is on May ■, 2018); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.