

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 13-0460.01 Michael Dohr x4347

**HOUSE BILL 13-1166**

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**HOUSE SPONSORSHIP**

**Kagan,**

**SENATE SPONSORSHIP**

**Steadman,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REPEAL OF CERTAIN CRIMES THAT INCLUDE**  
102 **MARITAL STATUS AS AN ELEMENT OF THE CRIME.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill repeals the crime of promoting sexual immorality and adultery. The bill makes conforming amendments.

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

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.*

HOUSE  
2nd Reading Unamended  
February 26, 2013

1           **SECTION 1.** In Colorado Revised Statutes, **repeal** 18-6-501 as  
2 follows:

3           **18-6-501. Adultery.** ~~Any sexual intercourse by a married person~~  
4 ~~other than with that person's spouse is adultery, which is prohibited.~~

5           **SECTION 2.** In Colorado Revised Statutes, **repeal** 18-7-208 as  
6 follows:

7           **18-7-208. Promoting sexual immorality.** ~~(1) Any person who,~~  
8 ~~for pecuniary gain, furnishes or makes available to another person any~~  
9 ~~facility, knowing that the same is to be used for or in aid of sexual~~  
10 ~~intercourse between persons who are not husband and wife, or for or in~~  
11 ~~aid of deviate sexual intercourse, or who advertises in any manner that he~~  
12 ~~furnishes or is willing to furnish or make available any such facility for~~  
13 ~~such purposes, commits promoting sexual immorality.~~

14           ~~(2) "Facility", as used in this section, means any place or thing~~  
15 ~~which provides seclusion, privacy, opportunity, protection, comfort, or~~  
16 ~~assistance to or for a person or persons engaging or intending to engage~~  
17 ~~in sexual intercourse or deviate sexual intercourse.~~

18           ~~(3) Promoting sexual immorality is a class 2 misdemeanor.~~

19           **SECTION 3.** In Colorado Revised Statutes, 13-10-126, **amend**  
20 (2) (a) (II) (A) as follows:

21           **13-10-126. Prostitution offender program authorized -**  
22 **reports.** (2) A program created and administered by a municipal or  
23 county court or multiple municipal or county courts pursuant to  
24 subsection (1) of this section shall:

25           (a) Permit enrollment in the program only by an offender who  
26 either:

27           (II) (A) Has at least one prior conviction for any offense described

1 in section 18-7-201, 18-7-202, 18-7-204, 18-7-205, OR 18-7-207, or  
2 ~~18-7-208~~, C.R.S.; or for any offense committed in another state that  
3 would constitute such an offense if committed in this state; and

4 **SECTION 4.** In Colorado Revised Statutes, 24-31-305, **amend**  
5 (1.5) (g) as follows:

6 **24-31-305. Certification - issuance - renewal - revocation.**

7 (1.5) The P.O.S.T. board shall deny certification to any person who has  
8 been convicted of:

9 (g) Any misdemeanor in violation of section 18-6-403 (3) (b.5),  
10 as it existed prior to July 1, 2006; ~~and section 18-7-208, C.R.S.;~~ or

11 **SECTION 5. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2014 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.