

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

INTRODUCED

LLS NO. 25-0004.01 Shelby Ross x4510

SENATE BILL 25-014

SENATE SPONSORSHIP

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House Committees

A BILL FOR AN ACT

101 **CONCERNING REPEALING THE STATUTORY UNCONSTITUTIONAL BAN ON**
102 **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>.)

Colorado statute states that a marriage is valid only if it is between one man and one woman. That provision has been unenforceable since the United States supreme court decision in *Obergefell v. Hodges*, 576 U.S. 644 (2015). The bill removes the provision.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 14-2-104 as
3 follows:

4 **14-2-104. Formalities.** (1) ~~Except as otherwise provided in~~
5 ~~subsection (3) of this section,~~ A marriage is valid in this state if

6 (a) it is licensed, solemnized, and registered as provided in this
7 part 1. and

8 (b) ~~It is only between one man and one woman.~~

9 (2) ~~Notwithstanding the provisions of section 14-2-112, any~~
10 ~~marriage contracted within or outside this state that does not satisfy~~
11 ~~paragraph (b) of subsection (1) of this section shall not be recognized as~~
12 ~~valid in this state.~~

13 (3) ~~Nothing in this section shall be deemed to repeal or render~~
14 ~~invalid any otherwise valid common law marriage between one man and~~
15 ~~one woman:~~

16 (a) ~~Entered into prior to September 1, 2006; or~~

17 (b) ~~Entered into on or after September 1, 2006, that complies with~~
18 ~~section 14-2-109.5.~~

19 **SECTION 2.** In Colorado Revised Statutes, **amend** 14-15-102 as
20 follows:

21 **14-15-102. Legislative declaration.** ~~The general assembly~~
22 ~~declares that the public policy of this state, as set forth in section 31 of~~
23 ~~article II of the state constitution, recognizes only the union of one man~~
24 ~~and one woman as a marriage.~~ The general assembly declares that the
25 purpose of this ~~article~~ ARTICLE 15 is to provide eligible couples the
26 opportunity to obtain the benefits, protections, and responsibilities
27 afforded by Colorado law to spouses consistent with the principles of

1 equality under law and religious freedom embodied in both the United
2 States constitution and the constitution of this state. The general assembly
3 declares that a second purpose of the act is to protect individuals who are
4 or may become partners in a civil union against discrimination in
5 employment, housing, and in places of public accommodation. The
6 general assembly further finds that the general assembly, in the exercise
7 of its plenary power, has the authority to define other arrangements, such
8 as a civil union between two unmarried persons regardless of their
9 gender, and to set forth in statute any state-level benefits, rights, and
10 protections to which a couple is entitled by virtue of entering into a civil
11 union. The general assembly finds that the "Colorado Civil Union Act"
12 does not alter the public policy of this state. ~~which recognizes only the~~
13 ~~union of one man and one woman as a marriage.~~ The general assembly
14 also declares that a third purpose in enacting the "Colorado Civil Union
15 Act" is to state that Colorado courts may offer same-sex couples the equal
16 protection of the law and to give full faith and credit to recognize
17 relationships legally created in other jurisdictions that are similar to civil
18 unions created by this article ~~and that are not otherwise recognized~~
19 ~~pursuant to Colorado law~~ ARTICLE 15.

20 **SECTION 3.** In Colorado Revised Statutes, 14-15-103, **amend**
21 the introductory portion and (4) as follows:

22 **14-15-103. Definitions.** As used in this ~~article~~ ARTICLE 15, unless
23 the context otherwise requires:

24 (4) "Marriage" means the legally recognized union of ~~one man~~
25 ~~and one woman~~ TWO INDIVIDUALS AS PARTNERS IN A PERSONAL
26 RELATIONSHIP.

27 **SECTION 4.** In Colorado Revised Statutes, **amend** 14-15-118 as

1 follows:

2 **14-15-118. Construction.** ~~The provisions of this article shall~~ THIS
3 ARTICLE 15 DOES not ~~be construed to~~ create a marriage between the
4 parties to a civil union. ~~or alter the public policy of this state, which~~
5 ~~recognizes only the union of one man and one woman as a marriage.~~

6 **SECTION 5. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.