

NOTE: The governor signed this measure on 3/22/2013.

# An Act

HOUSE BILL 13-1166

BY REPRESENTATIVE(S) Kagan, Court, Fischer, McLachlan, Rosenthal;  
also SENATOR(S) Steadman, Guzman, Tochtrop, Ulibarri.

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

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

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

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

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

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

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

~~commits promoting sexual immorality.~~

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

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

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

**13-10-126. Prostitution offender program authorized - reports.**

(2) A program created and administered by a municipal or county court or multiple municipal or county courts pursuant to subsection (1) of this section shall:

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

(II) (A) Has at least one prior conviction for any offense described in section 18-7-201, 18-7-202, 18-7-204, 18-7-205, OR 18-7-207, ~~or 18-7-208~~, C.R.S.; or for any offense committed in another state that would constitute such an offense if committed in this state; and

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

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

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

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

**SECTION 5. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state

constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

---

Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

John P. Morse  
PRESIDENT OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO