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COLUMN: Legislators grapple with indecent exposure bill | STOVALL

By **Rachel Stovall** May 10, 2023 | updated 3 years ago



Members of the Colorado House of Representatives gather at their desks for the day's session May 21 at the state Capitol in Denver.

The headline read, "Colorado Dems vote against harsher penalties for indecent exposure to kids because it could ban drag shows." And I thought … is this headline the truth?

You just never know in 2023. Here are the facts.

A bill, HB23-1135, proposed harsher penalties against those who expose their genitalia to minors. The bill was introduced in the Colorado House of Representatives by three Democrat legislators.

The penalty for indecent exposure for sexual gratification would be increased to a felony. Before this proposed change, an offender had to commit multiple acts before being charged with a felony.

In an interview for Colorado Politics Representative Shannon Bird — a sponsor of this bill said, "Should we have to wait for three children to be victimized before we recognize the severity of this behavior?

Representative Bird continued speaking and said, "No," Our state has a responsibility to stop people from harming others and, importantly, to hold people appropriately accountable for their actions when they hurt someone else."

But there was opposition. Opinions presented declared that HB23-1135 should be voted down because it; could be a danger to homeless/severely mentally ill citizens, would increase mass incarceration, or could be used to stop drag shows.

Let's examine those arguments.

Homeless people with the most severe types of mental illness often take their clothes off or even masturbate in public spaces, as a consequence of mania or psychosis. That is a fact.

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health to punishment.

Mass incarceration is a nation-wide issue. Causing a huge increase in Colorado prisoners should certainly be avoided.

You need to know — only 90 people in Colorado were charged with this specific crime in the last four years. Of those charged only seven were sent to prison.

Bill supporters in the Colorado District Attorneys' Council are targeting the most prolific of sexual grooming predators in order to prosecute more successfully. They were incredibly open regarding their intent.

Finally let's thoroughly examine the idea that any Colorado legislator intends to stop drag shows with this legal measure.

Colorado State Rep Leslie Herod told us, "These types of laws have been used to ban drag shows, to target individuals who use the restroom — the sex they identify with, a public restroom — to charge them with felony charges," Herod claimed. "I'm very concerned about the attacks against the transgender community that are happening across the country."

But not in Colorado. That's why not a single LGBT+ advocacy organization in Colorado brought opposition to this bill. Drag shows in Colorado are performed in 18+ venues.

Furthermore, studies have shown that LGBTQ+ youth are three times more likely than other children to be molested, raped, or indecently exposed to an adult. Like other communities – the Colorado LGBTQ+ community is in favor of protecting their most vulnerable.

Also, to be charged with breaking this indecent exposure law you can't just be using the bathroom. Streaking at a ball game or hanging out (pun intended) at a nudist camp won't get you charged either. Nor will a bump & grind move at a

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However, sex offenders were represented well in the Colorado House. In multiple videos Democrat legislators expressed their sympathy for the perpetrators.

These some of these lawmakers were angry that the future felons can't request to be removed from the sex offender registry for an additional five years compared to misdemeanor offenders.

There also were complaints that having a sexualized felony prevents getting subsidized housing. Another complaint was that convicted sexual offenders can't seal their records.

One lawmaker even said that for parity the penalty for online sexual offenses against children fifteen or younger should also be lowered to a misdemeanor.

Remember… this law requires an act performed in front of a minor for sexual gratification of AN ADULT.

The one complaint that I agreed with was that sex offender specific therapy is not available in prison. Coloradans, we should fix that. Without addressing sexualized mental health issues there will be no moving away from those problems.

Here's the fact. A clear majority of Democrats voted against this measure. But it was passed anyway with all Republicans voting with a few Democrats to get it passed.

I sure hope that this bill is not gutted as it enters appropriations. Our state should pay for victim treatment. And those convicted of sexualized crimes need treatment as well.

The super majority in the Colorado House should be representing law abiding citizens. And victims. Otherwise, Gov. Jared Polis cannot keep his promise to make Colorado safe again.

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