

ORDINANCE NO. 3202

**AN ORDINANCE AMENDING CHAPTER 24, SECTION 18 OF THE
CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO
(INDECENT EXPOSURE)**

RECITALS: Section 24-18 of the City of Grand Junction Code of Ordinance makes it unlawful for a person to “commit a lewd or indecent act” in the City. This section lists seven acts which are deemed “indecent exposure.” Section 24-18 (3) provides that a violation of this section occurs when a person commits "A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of any person." As written, this subsection is difficult to prove because it requires that the prosecution show, as one element of the crime, a person’s “...intent to arouse or to satisfy the sexual desire of any person.” It is difficult to prove what a person is thinking or feeling. The other acts listed in section 18, in and of themselves, prove the intent to “arouse or to satisfy the sexual desire of any person.” Section 18-7-302 C.R.S., requires a person convicted of the offense of “indecent exposure” under the state statute, as well as any offense that has a factual basis of that offense to register as a sex offender. The offense of indecent exposure is defined as, "knowingly exposes his genitals to the view of any person under circumstances in which such conduct is likely to cause affront or harm to the other person." Our new indecent exposure ordinance takes out the intent aspect. The factual basis would not be the same as for the state statute, thus taking out the requirement for violations of this ordinance to register as a sex offender. The addition of a subsection prohibiting the exposure of the intimate parts of a human body promotes the public welfare and safety in that it tends to reduce our citizen’s and our children’s exposure to deviant behavior and thus promotes a safe and comfortable living environment in the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION THAT:**

Section 24-18 of the Code of Ordinances of the City of Grand Junction, be amended as follows:

That Sec. 24-18 (3) be deleted in its entirety. That a new Sec. 24-18 (3) be added to read:

(3) To willfully or knowingly: be nude; wear any indecent or lewd dress; make or perform any indecent exposure of such person’s or to make or perform any indecent exposure of the intimate parts of another person. For the purposes of this ordinance: “Intimate Parts” means the external genitalia, the anus, the buttocks, the pubes or the breast or breasts of any person.

Introduced this 20th day of October 1999.

Passed and adopted this 3rd day of November, 1999.

/s/ Gene Kinsey

President of the Council

ATTEST:

/S/ Stephanie Nye

City Clerk