

am going to do some research and see if this can be added to this bill without it being two subjects. But now to get to the issue at hand, if you read the language of the statute that is being repealed, it says the following at 28-704: Any married person who deserts his or her spouse and lives, cohabits, and engages in sexual penetration with another person, as defined in subdivision (6) of section 28-318, commits adultery. Adultery is a Class I misdemeanor. Now that subdivision of Section 28-318 says it means sexual intercourse in its ordinary meaning, because the term sexual penetration means different things throughout the statutes. Now the Class I misdemeanor can carry up to one year in prison, and up to a thousand dollars fine. I will tell you why I say this law is a dead letter. Whenever you have a series of elements in a statute, and they are joined by the word "and", it means everyone of those factors must be present in order to have the crime. So if you read the language of the statute, any married person who deserts his or her spouse, the only one who can commit adultery under this statute is the one who deserts. So if I were to desert my spouse, my spouse could not commit adultery no matter what she did. She could cohabit, she could live with, she could have sexual intercourse any time, as many times, with anybody, anywhere that she pleases, and under the statute, she cannot commit adultery. If I happen to be deserted by my spouse; by the way, this doesn't work for me because I am divorced already, I don't have a spouse, and somebody had asked me to look around the body and ask did anybody think I need to add the emergency clause to this, but I am not going to do that, but at any rate, if a person deserts his or her spouse, that's the first element. That means you have to totally abandon somebody with the intent of it being a permanent separation. So if you left your spouse for three weeks and you lived, and cohabited, and had sex with this other person, and then you went back home, that is not adultery. Let's say that you decided to totally abandon your spouse, absolutely, and you put it in writing, and had it chiseled in stone, and you cohabited and lived with somebody. Cohabitation is when you set up housekeeping with a person. Living with somebody can mean an in and out affair where you spend time there, you may have some clothing there, but you haven't set up housekeeping, so the two are distinguished in that way. You cohabit, you live with the person, but you don't have sexual intercourse. How is somebody going to prove that you have sex with somebody if they don't put their eye to the keyhole, and how are they going to do that without trespassing on your property? So it's one of those laws which has not been