

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0329.01 Michael Dohr x4347

HOUSE BILL 15-1041

HOUSE SPONSORSHIP

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House Committees

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A BILL FOR AN ACT

101 **CONCERNING THE PROTECTION OF HUMAN LIFE BEGINNING AT**
102 **CONCEPTION.**

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://www.leg.state.co.us/billsummaries>.)

The bill prohibits abortion and makes a violation a class 3 felony. The following are exceptions to the prohibition:

- ! A licensed physician performs a medical procedure designed or intended to prevent the death of a pregnant mother, if the physician makes reasonable medical efforts under the circumstances to preserve both the life of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

mother and the life of her unborn child in a manner consistent with conventional medical practice; and

! A licensed physician provides medical treatment to the mother that results in the accidental or unintentional injury or death to the unborn child.

The pregnant mother upon whom an abortion is performed or attempted is not subject to a criminal penalty. The sale and use of contraception is not prohibited by the bill. A conviction related to the abortion prohibition constitutes unprofessional conduct for purposes of physician licensing.

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

2 **SECTION 1. Legislative intent.** (1) It is the intent of the general
3 assembly to make the practice of abortion illegal in the state of Colorado.
4 In doing so, the general assembly has chosen not to repeal the existing
5 statutes or portions of statutes that relate to abortion in the state of
6 Colorado. It is the intent of the general assembly that those statutes or
7 portions of statutes that relate to abortion not be enforced as long as part
8 9 of article 6 of title 18, Colorado Revised Statutes, is in effect.

9 (2) It is the further intent of the general assembly that if and as
10 long as any portion of part 9 of article 6 of title 18, Colorado Revised
11 Statutes, is declared unconstitutional by an appellate court, the existing
12 statutes or portions of statutes that relate to abortion shall be enforced as
13 law.

14 **SECTION 2.** In Colorado Revised Statutes, **add** part 9 to article
15 6 of title 18 as follows:

16 PART 9

17 ABORTION PROHIBITION

18 **18-6-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "FERTILIZATION" MEANS THAT POINT IN TIME WHEN A MALE

1 HUMAN SPERM PENETRATES THE ZONA PELLUCIDA OF A FEMALE HUMAN
2 OVUM.

3 (2) "PREGNANT" OR "PREGNANCY" MEANS THE HUMAN FEMALE
4 REPRODUCTIVE CONDITION OF HAVING A LIVING UNBORN HUMAN BEING
5 WITHIN HER BODY THROUGHOUT THE ENTIRE EMBRYONIC AND FETAL AGES
6 OF THE UNBORN CHILD FROM FERTILIZATION TO FULL GESTATION AND
7 CHILDBIRTH.

8 (3) "UNBORN HUMAN BEING" OR "UNBORN CHILD" MEANS AN
9 INDIVIDUAL LIVING MEMBER OF THE SPECIES HOMO SAPIENS, THROUGHOUT
10 THE ENTIRE EMBRYONIC AND FETAL AGES OF THE UNBORN CHILD FROM
11 FERTILIZATION TO FULL GESTATION AND CHILDBIRTH.

12 **18-6-902. Abortion prohibition.** (1) A PERSON SHALL NOT
13 KNOWINGLY ADMINISTER TO, PRESCRIBE FOR, PROCURE FOR, OR SELL TO
14 A PREGNANT MOTHER ANY MEDICINE, DRUG, OR OTHER SUBSTANCE WITH
15 THE SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION OF THE
16 LIFE OF AN UNBORN HUMAN BEING. A PERSON SHALL NOT KNOWINGLY USE
17 OR EMPLOY ANY INSTRUMENT OR PROCEDURE UPON A PREGNANT MOTHER
18 WITH THE SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION
19 OF THE LIFE OF AN UNBORN HUMAN BEING.

20 (2) A VIOLATION OF THIS SECTION IS A CLASS 3 FELONY.

21 (3) (a) A LICENSED PHYSICIAN WHO PERFORMS A MEDICAL
22 PROCEDURE DESIGNED OR INTENDED TO PREVENT THE DEATH OF A
23 PREGNANT MOTHER IS NOT GUILTY OF VIOLATING THIS SECTION IF THE
24 PHYSICIAN MAKES REASONABLE MEDICAL EFFORTS TO PRESERVE BOTH THE
25 LIFE OF THE MOTHER AND THE LIFE OF HER UNBORN CHILD IN A MANNER
26 CONSISTENT WITH CONVENTIONAL MEDICAL PRACTICE.

27 (b) A LICENSED PHYSICIAN WHO PROVIDES MEDICAL TREATMENT

1 TO A PREGNANT MOTHER THAT RESULTS IN THE ACCIDENTAL OR
2 UNINTENTIONAL INJURY TO OR DEATH OF HER UNBORN CHILD IS NOT
3 GUILTY OF VIOLATING THIS SECTION.

4 (c) A PREGNANT MOTHER UPON WHOM AN ABORTION IS
5 PERFORMED OR ATTEMPTED IS NOT GUILTY OF VIOLATING THIS SECTION.

6 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
7 THE SALE, USE, PRESCRIPTION, OR ADMINISTRATION OF A CONTRACEPTIVE
8 MEASURE, DEVICE, DRUG, OR CHEMICAL IF IT IS ADMINISTERED PRIOR TO
9 CONCEPTION AND IF THE CONTRACEPTIVE MEASURE, DEVICE, DRUG, OR
10 CHEMICAL IS SOLD, USED, PRESCRIBED, OR ADMINISTERED IN ACCORDANCE
11 WITH MANUFACTURER INSTRUCTIONS.

12 **SECTION 3.** In Colorado Revised Statutes, 18-3.5-103, **amend**
13 (1) as follows:

14 **18-3.5-103. Unlawful termination of pregnancy in the first**
15 **degree.** (1) A person commits the offense of unlawful termination of
16 pregnancy in the first degree if, with the intent to terminate unlawfully the
17 pregnancy of a woman, the person unlawfully terminates the woman's
18 pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902 (1).

19 **SECTION 4.** In Colorado Revised Statutes, 18-3.5-104, **amend**
20 (1) as follows:

21 **18-3.5-104. Unlawful termination of pregnancy in the second**
22 **degree.** (1) A person commits the offense of unlawful termination of
23 pregnancy in the second degree if the person knowingly causes the
24 unlawful termination of the pregnancy of a woman IN A MANNER OTHER
25 THAN DESCRIBED IN SECTION 18-6-902 (1).

26 **SECTION 5.** In Colorado Revised Statutes, 18-3.5-105, **amend**
27 (1) as follows:

1 **18-3.5-105. Unlawful termination of pregnancy in the third**
2 **degree.** (1) A person commits the offense of unlawful termination of
3 pregnancy in the third degree if, under circumstances manifesting extreme
4 indifference to the value of human life, the person knowingly engages in
5 conduct that creates a grave risk of death to another person, and thereby
6 causes the unlawful termination of the pregnancy of a woman IN A
7 MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902 (1).

8 **SECTION 6.** In Colorado Revised Statutes, 18-3.5-106, **amend**
9 (1) as follows:

10 **18-3.5-106. Unlawful termination of pregnancy in the fourth**
11 **degree.** (1) A person commits the offense of unlawful termination of
12 pregnancy in the fourth degree if the person recklessly causes the
13 unlawful termination of the pregnancy of a woman, IN A MANNER OTHER
14 THAN DESCRIBED IN SECTION 18-6-902 (1), at such time as the person
15 knew or reasonably should have known that the woman was pregnant.

16 **SECTION 7.** In Colorado Revised Statutes, 18-3.5-107, **amend**
17 (1) as follows:

18 **18-3.5-107. Vehicular unlawful termination of pregnancy.**
19 (1) If a person operates or drives a motor vehicle in a reckless manner,
20 and this conduct is the proximate cause of the unlawful termination of the
21 pregnancy of a woman, such person commits vehicular unlawful
22 termination of pregnancy IN A MANNER OTHER THAN DESCRIBED IN
23 SECTION 18-6-902 (1).

24 **SECTION 8.** In Colorado Revised Statutes, 18-3.5-108, **amend**
25 (1) (a) as follows:

26 **18-3.5-108. Aggravated vehicular unlawful termination of**
27 **pregnancy - definitions.** (1) (a) If a person operates or drives a motor

1 vehicle while under the influence of alcohol or one or more drugs, or a
2 combination of both alcohol and one or more drugs, and this conduct is
3 the proximate cause of the unlawful termination of the pregnancy of a
4 woman, such person commits aggravated vehicular unlawful termination
5 of pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902
6 (1). This is a strict liability crime.

7 **SECTION 9.** In Colorado Revised Statutes, 18-3.5-109, **amend**
8 (1) as follows:

9 **18-3.5-109. Careless driving resulting in unlawful termination**
10 **of pregnancy - penalty.** (1) A person who drives a motor vehicle,
11 bicycle, electrical-assisted bicycle, or low-power scooter in a careless and
12 imprudent manner, without due regard for the width, grade, curves,
13 corners, traffic, and use of the streets and highways and all other attendant
14 circumstances and causes the unlawful termination of a pregnancy of a
15 woman is guilty of careless driving, resulting in unlawful termination of
16 pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902 (1).
17 A person convicted of careless driving of a bicycle or electrical-assisted
18 bicycle resulting in the unlawful termination of pregnancy shall not be
19 subject to the provisions of section 42-2-127, C.R.S.

20 **SECTION 10.** In Colorado Revised Statutes, 12-36-117, **add** (1)
21 (nn) as follows:

22 **12-36-117. Unprofessional conduct.** (1) "Unprofessional
23 conduct" as used in this article means:

24 (nn) A CONVICTION FOR VIOLATING SECTION 18-6-902, C.R.S.,
25 REGARDING THE PROHIBITION OF ABORTIONS.

26 **SECTION 11. Potential appropriation.** Pursuant to section
27 2-2-703, Colorado Revised Statutes, any bill that results in a net increase

1 in periods of imprisonment in the state correctional facilities must include
2 an appropriation of moneys that is sufficient to cover any increased
3 capital construction and operational costs for the first five fiscal years in
4 which there is a fiscal impact. Because this act may increase periods of
5 imprisonment, this act may require a five-year appropriation.

6 **SECTION 12. Effective date - applicability.** This act takes
7 effect July 1, 2015, and applies to offenses committed on or after said
8 date.

9 **SECTION 13. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.