

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

INTRODUCED

LLS NO. 16-0061.01 Michael Dohr x4347

HOUSE BILL 16-1113

HOUSE SPONSORSHIP

Humphrey, Neville P., Saine, Everett, Klingenschmitt, Buck, Van Winkle, Nordberg, Becker J., Ransom, Joshi, Lundeen, Wilson, Navarro, Lawrence, Wist, Willett, Brown, Priola, Windholz

SENATE SPONSORSHIP

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House Committees

Health, Insurance, & Environment

Senate Committees

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 terminating the life of an unborn child and makes a violation a class 1 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

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.

1 **18-6-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "FERTILIZATION" MEANS THAT POINT IN TIME WHEN A MALE
4 HUMAN SPERM PENETRATES THE ZONA PELLUCIDA OF A FEMALE HUMAN
5 OVUM.

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

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

15 **18-6-902. Termination of the life of an unborn child**
16 **prohibition.** (1) A PERSON SHALL NOT KNOWINGLY ADMINISTER TO,

17 PRESCRIBE FOR, PROCURE FOR, OR SELL TO A PREGNANT MOTHER ANY
18 MEDICINE, DRUG, OR OTHER SUBSTANCE WITH THE SPECIFIC INTENT OF
19 CAUSING OR ABETTING THE TERMINATION OF THE LIFE OF AN UNBORN
20 HUMAN BEING. A PERSON SHALL NOT KNOWINGLY USE OR EMPLOY ANY
21 INSTRUMENT OR PROCEDURE UPON A PREGNANT MOTHER WITH THE
22 SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION OF THE LIFE
23 OF AN UNBORN HUMAN BEING.

24 (2) A VIOLATION OF THIS SECTION IS A CLASS 1 FELONY.

25 (3) (a) A LICENSED PHYSICIAN WHO PERFORMS A MEDICAL
26 PROCEDURE DESIGNED OR INTENDED TO PREVENT THE DEATH OF A
27 PREGNANT MOTHER IS NOT GUILTY OF VIOLATING THIS SECTION IF THE

1 PHYSICIAN MAKES REASONABLE MEDICAL EFFORTS TO PRESERVE BOTH THE
2 LIFE OF THE MOTHER AND THE LIFE OF HER UNBORN CHILD IN A MANNER
3 CONSISTENT WITH CONVENTIONAL MEDICAL PRACTICE.

4 (b) A LICENSED PHYSICIAN WHO PROVIDES MEDICAL TREATMENT
5 TO A PREGNANT MOTHER THAT RESULTS IN THE ACCIDENTAL OR
6 UNINTENTIONAL INJURY TO OR DEATH OF HER UNBORN CHILD IS NOT
7 GUILTY OF VIOLATING THIS SECTION.

8 (c) A PREGNANT MOTHER UPON WHOM THE TERMINATION OF THE
9 LIFE OF AN UNBORN CHILD IS PERFORMED OR ATTEMPTED IS NOT GUILTY
10 OF VIOLATING THIS SECTION.

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

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

19 **18-3.5-103. Unlawful termination of pregnancy in the first**
20 **degree.** (1) A person commits the offense of unlawful termination of
21 pregnancy in the first degree if, with the intent to terminate unlawfully the
22 pregnancy of a woman, the person unlawfully terminates the woman's
23 pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902 (1).

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

26 **18-3.5-104. Unlawful termination of pregnancy in the second**
27 **degree.** (1) A person commits the offense of unlawful termination of

1 pregnancy in the second degree if the person knowingly causes the
2 unlawful termination of the pregnancy of a woman IN A MANNER OTHER
3 THAN DESCRIBED IN SECTION 18-6-902 (1).

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

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

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

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

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

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

1 SECTION 18-6-902 (1).

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

4 **18-3.5-108. Aggravated vehicular unlawful termination of**
5 **pregnancy - definitions.** (1) (a) If a person operates or drives a motor
6 vehicle while under the influence of alcohol or one or more drugs, or a
7 combination of both alcohol and one or more drugs, and this conduct is
8 the proximate cause of the unlawful termination of the pregnancy of a
9 woman, such person commits aggravated vehicular unlawful termination
10 of pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902
11 (1). This is a strict liability crime.

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

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

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

27 **12-36-117. Unprofessional conduct.** (1) "Unprofessional

1 conduct" as used in this article means:

2 (mn) A CONVICTION FOR VIOLATING SECTION 18-6-902, C.R.S.,
3 REGARDING THE PROHIBITION OF TERMINATING THE LIFE OF AN UNBORN
4 CHILD.

5 **SECTION 11. Potential appropriation.** Pursuant to section
6 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
7 in periods of imprisonment in the state correctional facilities must include
8 an appropriation of moneys that is sufficient to cover any increased
9 capital construction and operational costs for the first five fiscal years in
10 which there is a fiscal impact. Because this act may increase periods of
11 imprisonment, this act may require a five-year appropriation.

12 **SECTION 12. Effective date - applicability.** This act takes
13 effect July 1, 2016, and applies to offenses committed on or after said
14 date.

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