

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0017.01 Michael Dohr x4347

HOUSE BILL 17-1108

HOUSE SPONSORSHIP

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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://leg.colorado.gov/>.)

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.

under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner consistent with conventional medical practice; and

! A licensed physician provides medical treatment, including chemotherapy and the removal of an ectopic pregnancy, to the mother that results in the accidental or unintentional injury to or death of the unborn child.

The pregnant mother upon whom termination of the life of an unborn child 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 prohibition of the termination of the life of an unborn child 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.** It is the intent of the general
3 assembly to make the practice of terminating the life of an unborn child
4 illegal in the state of Colorado.

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

7 **PART 9**

8 **TERMINATION OF THE LIFE OF AN UNBORN CHILD**

9 **PROHIBITION**

10 **18-6-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "ABORTION" MEANS THE ACT OF USING OR PRESCRIBING ANY
13 INSTRUMENT, MEDICINE, DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR
14 MEANS WITH THE INTENT TO TERMINATE THE PREGNANCY OF A WOMAN
15 WITH KNOWLEDGE OR REASON TO BELIEVE THAT THE TERMINATION BY
16 THOSE MEANS WILL CAUSE THE DEATH OF THE UNBORN CHILD. SUCH USE,
17 PRESCRIPTION, OR MEANS IS NOT AN ABORTION IF DONE WITH THE INTENT
18 TO:

1 (a) SAVE THE LIFE OR PRESERVE THE HEALTH OF AN UNBORN
2 CHILD;

3 (b) REMOVE A DEAD UNBORN CHILD WHO DID NOT DIE AS A RESULT
4 OF AN INTENTIONAL, KNOWING, OR RECKLESS ACTION TO TERMINATE A
5 PREGNANCY; OR

6 (c) REMOVE AN ECTOPIC PREGNANCY.

7 (2) "FERTILIZATION" MEANS THAT POINT IN TIME WHEN A MALE
8 HUMAN SPERM PENETRATES THE ZONA PELLUCIDA OF A FEMALE HUMAN
9 OVUM.

10 (3) "PREGNANT" OR "PREGNANCY" MEANS THE HUMAN FEMALE
11 REPRODUCTIVE CONDITION OF HAVING A LIVING UNBORN HUMAN BEING
12 WITHIN HER BODY THROUGHOUT THE ENTIRE EMBRYONIC AND FETAL AGES
13 OF THE UNBORN CHILD FROM FERTILIZATION TO FULL GESTATION AND
14 CHILDBIRTH.

15 (4) "UNBORN HUMAN BEING" OR "UNBORN CHILD" MEANS AN
16 INDIVIDUAL LIVING MEMBER OF THE SPECIES HOMO SAPIENS, THROUGHOUT
17 THE ENTIRE EMBRYONIC AND FETAL AGES OF THE UNBORN CHILD FROM
18 FERTILIZATION TO FULL GESTATION AND CHILDBIRTH.

19 **18-6-902. Termination of the life of an unborn child**
20 **prohibition.** (1) A PERSON SHALL NOT KNOWINGLY ADMINISTER TO,
21 PRESCRIBE FOR, PROCURE FOR, OR SELL TO A PREGNANT MOTHER ANY
22 MEDICINE, DRUG, OR OTHER SUBSTANCE WITH THE SPECIFIC INTENT OF
23 CAUSING OR ABETTING THE TERMINATION OF THE LIFE OF AN UNBORN
24 HUMAN BEING. A PERSON SHALL NOT KNOWINGLY USE OR EMPLOY ANY
25 INSTRUMENT OR PROCEDURE UPON A PREGNANT MOTHER WITH THE
26 SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION OF THE LIFE
27 OF AN UNBORN HUMAN BEING.

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

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

8 (b) A LICENSED PHYSICIAN WHO PROVIDES MEDICAL TREATMENT,
9 INCLUDING CHEMOTHERAPY AND THE REMOVAL OF ECTOPIC PREGNANCIES,
10 TO A PREGNANT MOTHER THAT RESULTS IN THE ACCIDENTAL OR
11 UNINTENTIONAL INJURY TO OR DEATH OF HER UNBORN CHILD IS NOT
12 GUILTY OF VIOLATING THIS SECTION.

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

16 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
17 THE SALE, USE, PRESCRIPTION, OR ADMINISTRATION OF A CONTRACEPTIVE
18 MEASURE, DEVICE, DRUG, OR CHEMICAL.

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

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

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

1 **18-3.5-104. Unlawful termination of pregnancy in the second**
2 **degree.** (1) A person commits the offense of unlawful termination of
3 pregnancy in the second degree if the person knowingly causes the
4 unlawful termination of the pregnancy of a woman IN A MANNER OTHER
5 THAN DESCRIBED IN SECTION 18-6-902 (1).

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

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

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

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

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

25 **18-3.5-107. Vehicular unlawful termination of pregnancy.**
26 (1) If a person operates or drives a motor vehicle in a reckless manner,
27 and this conduct is the proximate cause of the unlawful termination of the

1 pregnancy of a woman, such person commits vehicular unlawful
2 termination of pregnancy IN A MANNER OTHER THAN DESCRIBED IN
3 SECTION 18-6-902 (1).

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

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

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

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

27 **SECTION 10.** In Colorado Revised Statutes, 12-36-117, **amend**

1 (1) introductory portion; and **add** (1)(nn) as follows:

2 **12-36-117. Unprofessional conduct.** (1) "Unprofessional
3 conduct" as used in this ~~article~~ ARTICLE 36 means:

4 (nn) A CONVICTION FOR VIOLATING SECTION 18-6-902, REGARDING
5 THE PROHIBITION OF TERMINATING THE LIFE OF AN UNBORN CHILD.

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

13 **SECTION 12. Effective date - applicability.** This act takes
14 effect July 1, 2017, and applies to offenses committed on or after said
15 date.

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