

CHAPTER 372

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 13-1154

BY REPRESENTATIVE(S) Foote and Levy, Court, Duran, Fields, Ginal, Hamner, Hulinghorst, Lee, McCann, Moreno, Pabon, Primavera, Ryden, Singer, Williams, Fischer, Labuda, Lebsack, Melton, Mitsch Bush, Pettersen, Rosenthal, Salazar, Tyler, Young, Ferrandino;
also SENATOR(S) Steadman, Giron, Guzman, Heath, Hudak, Jahn, Jones, Kerr, Newell, Nicholson, Schwartz, Tochtrop, Todd, Ulibarri, Morse.

AN ACT**CONCERNING CRIMES AGAINST PREGNANT WOMEN, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) In 2003, the general assembly enacted House Bill 03-1138, which created the crime of unlawful termination of pregnancy, in response to the brutal murder of a woman who was sixteen to seventeen weeks pregnant;

(b) That law was intended to hold persons who assault or murder pregnant women directly and fully accountable for the harm they cause;

(c) The 2003 law exclusively addresses conduct that is intentional and does not apply to reckless or careless conduct that results in the termination of a pregnancy;

(d) Since the implementation of the 2003 law, there have been a number of cases throughout Colorado in which pregnant women were injured or killed by reckless or careless conduct, terminating their pregnancies as a result;

(e) Under current Colorado law, the perpetrators of those incidents could not be charged with a crime specifically as a consequence of the termination of their victims' pregnancies;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(f) Justice requires that Colorado law hold a person who recklessly or carelessly injures a pregnant woman, and who causes the termination of her pregnancy as a consequence, directly and fully accountable;

(g) This purpose can be accomplished by recognizing the pregnant woman as the victim of criminal conduct, whether intentional, reckless, or careless, and without altering established Colorado law to confer legal personhood upon an embryo or fetus;

(h) Therefore, nothing in this act shall be construed to confer personhood, or any rights associated with that status, on a human being at any time prior to live birth;

(i) Additionally, nothing in this act shall be construed to permit the imposition of criminal penalties against a woman for actions she takes that result in the termination of her pregnancy; and

(j) Finally, nothing in this act shall be construed to permit the imposition of criminal penalties against a health care provider engaged in providing health care services to a patient.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments**, article 3.5 of title 18 as follows:

ARTICLE 3.5
Offenses Against Pregnant Women

18-3.5-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CONSENT" HAS THE SAME MEANING AS PROVIDED IN SECTION 18-1-505.

(2) "INTENTIONALLY" OR "WITH INTENT" HAS THE SAME MEANING AS PROVIDED IN SECTION 18-1-501.

(3) "KNOWINGLY" HAS THE SAME MEANING AS PROVIDED IN SECTION 18-1-501.

(4) "PREGNANCY", FOR PURPOSES OF THIS ARTICLE ONLY AND NOTWITHSTANDING ANY OTHER DEFINITION OR USE TO THE CONTRARY, MEANS THE PRESENCE OF AN IMPLANTED HUMAN EMBRYO OR FETUS WITHIN THE UTERUS OF A WOMAN.

(5) "RECKLESSLY" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 18-1-501.

(6) "UNLAWFUL TERMINATION OF PREGNANCY" MEANS THE TERMINATION OF A PREGNANCY BY ANY MEANS OTHER THAN BIRTH OR A MEDICAL PROCEDURE, INSTRUMENT, AGENT, OR DRUG, FOR WHICH THE CONSENT OF THE PREGNANT WOMAN, OR A PERSON AUTHORIZED BY LAW TO ACT ON HER BEHALF, HAS BEEN OBTAINED, OR FOR WHICH THE PREGNANT WOMAN'S CONSENT IS IMPLIED BY LAW.

18-3.5-102. Exclusions. (1) NOTHING IN THIS ARTICLE SHALL PERMIT THE PROSECUTION OF A PERSON FOR ANY ACT OF PROVIDING MEDICAL, OSTEOPATHIC,

SURGICAL, MENTAL HEALTH, DENTAL, NURSING, OPTOMETRIC, HEALING, WELLNESS, OR PHARMACEUTICAL CARE; FURNISHING INPATIENT OR OUTPATIENT HOSPITAL OR CLINIC SERVICES; FURNISHING TELEMEDICINE SERVICES; OR FURNISHING ANY SERVICE RELATED TO ASSISTED REPRODUCTION OR GENETIC TESTING.

(2) NOTHING IN THIS ARTICLE SHALL PERMIT THE PROSECUTION OF A WOMAN FOR ANY ACT OR ANY FAILURE TO ACT WITH REGARD TO HER OWN PREGNANCY.

18-3.5-103. Unlawful termination of pregnancy in the first degree. (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL TERMINATION OF PREGNANCY IN THE FIRST DEGREE IF, WITH THE INTENT TO TERMINATE UNLAWFULLY THE PREGNANCY OF A WOMAN, THE PERSON UNLAWFULLY TERMINATES THE WOMAN'S PREGNANCY.

(2) UNLAWFUL TERMINATION OF PREGNANCY IN THE FIRST DEGREE IS A CLASS 3 FELONY, BUT IS A CLASS 2 FELONY IF THE WOMAN DIES AS A RESULT OF THE UNLAWFUL TERMINATION OF A PREGNANCY.

(3) A DEFENDANT CONVICTED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE SENTENCED BY THE COURT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 18-1.3-406.

18-3.5-104. Unlawful termination of pregnancy in the second degree. (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL TERMINATION OF PREGNANCY IN THE SECOND DEGREE IF THE PERSON KNOWINGLY CAUSES THE UNLAWFUL TERMINATION OF THE PREGNANCY OF A WOMAN.

(2)(a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), UNLAWFUL TERMINATION OF PREGNANCY IN THE SECOND DEGREE IS A CLASS 4 FELONY.

(b) IF UNLAWFUL TERMINATION OF PREGNANCY IN THE SECOND DEGREE IS COMMITTED UNDER CIRCUMSTANCES WHERE THE ACT CAUSING THE UNLAWFUL TERMINATION OF PREGNANCY IS PERFORMED UPON A SUDDEN HEAT OF PASSION, CAUSED BY A SERIOUS AND HIGHLY PROVOKING ACT OF THE INTENDED VICTIM, AFFECTING THE PERSON CAUSING THE UNLAWFUL TERMINATION OF PREGNANCY SUFFICIENTLY TO EXCITE AN IRRESISTIBLE PASSION IN A REASONABLE PERSON, AND WITHOUT AN INTERVAL BETWEEN THE PROVOCATION AND THE UNLAWFUL TERMINATION OF PREGNANCY SUFFICIENT FOR THE VOICE OF REASON AND HUMANITY TO BE HEARD, IT IS A CLASS 5 FELONY.

(3) A DEFENDANT CONVICTED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE SENTENCED BY THE COURT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 18-1.3-406.

18-3.5-105. Unlawful termination of pregnancy in the third degree. (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL TERMINATION OF PREGNANCY IN THE THIRD DEGREE IF, UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE VALUE OF HUMAN LIFE, THE PERSON KNOWINGLY ENGAGES IN CONDUCT THAT CREATES A GRAVE RISK OF DEATH TO ANOTHER PERSON, AND THEREBY CAUSES THE UNLAWFUL TERMINATION OF THE PREGNANCY OF A WOMAN.

(2) UNLAWFUL TERMINATION OF PREGNANCY IN THE THIRD DEGREE IS A CLASS 5 FELONY.

18-3.5-106. Unlawful termination of pregnancy in the fourth degree. (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH DEGREE IF THE PERSON RECKLESSLY CAUSES THE UNLAWFUL TERMINATION OF THE PREGNANCY OF A WOMAN AT SUCH TIME AS THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE WOMAN WAS PREGNANT.

(2) (a) UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH DEGREE IS A CLASS 6 FELONY.

(b) UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH DEGREE BY ANY PERSON IS A CLASS 5 FELONY IF THE PREGNANCY OF THE WOMAN, OTHER THAN A PARTICIPANT IN THE CRIME, IS UNLAWFULLY TERMINATED DURING THE COMMISSION OR ATTEMPTED COMMISSION OF OR FLIGHT FROM THE COMMISSION OR ATTEMPTED COMMISSION OF MURDER, ASSAULT IN THE FIRST OR SECOND DEGREE, ROBBERY, ARSON, BURGLARY, ESCAPE, KIDNAPPING IN THE FIRST DEGREE, SEXUAL ASSAULT, SEXUAL ASSAULT IN THE FIRST OR SECOND DEGREE AS SUCH OFFENSES EXISTED PRIOR TO JULY 1, 2000, OR CLASS 3 FELONY SEXUAL ASSAULT ON A CHILD, BUT ONLY TO THE EXTENT THAT THE PERSON IS A PRINCIPAL IN THE CRIMINAL ACT OR ATTEMPTED CRIMINAL ACT, AS DESCRIBED IN SECTION 18-1-603, C.R.S.

18-3.5-107. Vehicular unlawful termination of pregnancy. (1) IF A PERSON OPERATES OR DRIVES A MOTOR VEHICLE IN A RECKLESS MANNER, AND THIS CONDUCT IS THE PROXIMATE CAUSE OF THE UNLAWFUL TERMINATION OF THE PREGNANCY OF A WOMAN, SUCH PERSON COMMITS VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY.

(2) VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY IN VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 5 FELONY.

18-3.5-108. Aggravated vehicular unlawful termination of pregnancy. (1) (a) IF A PERSON OPERATES OR DRIVES A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ONE OR MORE DRUGS, OR A COMBINATION OF BOTH ALCOHOL AND ONE OR MORE DRUGS, AND THIS CONDUCT IS THE PROXIMATE CAUSE OF THE UNLAWFUL TERMINATION OF THE PREGNANCY OF A WOMAN, SUCH PERSON COMMITS AGGRAVATED VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY. THIS IS A STRICT LIABILITY CRIME.

(b) AS USED IN THIS SUBSECTION (1):

(1) "DRIVING UNDER THE INFLUENCE" MEANS DRIVING A VEHICLE WHEN A PERSON HAS CONSUMED ALCOHOL OR ONE OR MORE DRUGS, OR A COMBINATION OF ALCOHOL AND ONE OR MORE DRUGS, WHICH ALCOHOL ALONE, OR ONE OR MORE DRUGS ALONE, OR ALCOHOL COMBINED WITH ONE OR MORE DRUGS AFFECT SUCH PERSON TO A DEGREE THAT SUCH PERSON IS SUBSTANTIALLY INCAPABLE, EITHER MENTALLY OR PHYSICALLY, OR BOTH MENTALLY AND PHYSICALLY, OF EXERCISING CLEAR JUDGMENT, SUFFICIENT PHYSICAL CONTROL, OR DUE CARE IN THE SAFE OPERATION OF A VEHICLE.

(II) "ONE OR MORE DRUGS" MEANS ALL SUBSTANCES DEFINED AS A DRUG IN SECTION 12-42.5-102 (13), C.R.S., AND ALL CONTROLLED SUBSTANCES DEFINED IN SECTION 18-18-102 (5), AND GLUE-SNIFFING, AEROSOL INHALATION, OR THE INHALATION OF ANY OTHER TOXIC VAPOR OR VAPORS AS DEFINED IN SECTION 18-18-412.

(c) THE FACT THAT A PERSON CHARGED WITH A VIOLATION OF THIS SUBSECTION (1) IS OR HAS BEEN ENTITLED TO USE ONE OR MORE DRUGS UNDER THE LAWS OF THIS STATE SHALL NOT CONSTITUTE A DEFENSE AGAINST ANY CHARGE OF VIOLATING THIS SUBSECTION (1).

(2) AGGRAVATED VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY, IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, IS A CLASS 4 FELONY.

(3) IN ANY PROSECUTION FOR A VIOLATION OF SUBSECTION (1) OF THIS SECTION, THE AMOUNT OF ALCOHOL IN THE DEFENDANT'S BLOOD OR BREATH AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE OR WITHIN A REASONABLE TIME THEREAFTER, AS SHOWN BY ANALYSIS OF THE DEFENDANT'S BLOOD OR BREATH, SHALL GIVE RISE TO THE FOLLOWING PRESUMPTIONS:

(a) IF THERE WAS AT SUCH TIME 0.05 OR LESS GRAMS OF ALCOHOL PER ONE HUNDRED MILLILITERS OF BLOOD, OR IF THERE WAS AT SUCH TIME 0.05 OR LESS GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF BREATH, IT SHALL BE PRESUMED THAT THE DEFENDANT WAS NOT UNDER THE INFLUENCE OF ALCOHOL.

(b) IF THERE WAS AT SUCH TIME IN EXCESS OF 0.05 GRAMS BUT LESS THAN 0.08 GRAMS OF ALCOHOL PER ONE HUNDRED MILLILITERS OF BLOOD, OR IF THERE WAS AT SUCH TIME IN EXCESS OF 0.05 GRAMS BUT LESS THAN 0.08 GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF BREATH, SUCH FACT MAY BE CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING WHETHER OR NOT THE DEFENDANT WAS UNDER THE INFLUENCE OF ALCOHOL.

(c) IF THERE WAS AT SUCH TIME 0.08 OR MORE GRAMS OF ALCOHOL PER ONE HUNDRED MILLILITERS OF BLOOD, OR IF THERE WAS AT SUCH TIME 0.08 OR MORE GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF BREATH, IT SHALL BE PRESUMED THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF ALCOHOL.

(4) THE LIMITATIONS OF SUBSECTION (3) OF THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING THE INTRODUCTION, RECEPTION, OR CONSIDERATION OF ANY OTHER COMPETENT EVIDENCE BEARING UPON THE QUESTION OF WHETHER OR NOT THE DEFENDANT WAS UNDER THE INFLUENCE OF ALCOHOL.

(5)(a) IF A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT A PERSON WAS DRIVING A MOTOR VEHICLE IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE PERSON, UPON THE REQUEST OF THE LAW ENFORCEMENT OFFICER, SHALL TAKE AND COMPLETE, AND COOPERATE IN COMPLETING, ANY TEST OR TESTS OF THE PERSON'S BLOOD, BREATH, SALIVA, OR URINE FOR THE PURPOSE OF DETERMINING THE ALCOHOL OR DRUG CONTENT WITHIN HIS OR HER SYSTEM. THE TYPE OF TEST OR TESTS SHALL BE DETERMINED BY THE LAW ENFORCEMENT OFFICER REQUIRING THE TEST OR TESTS. IF THE PERSON REFUSES TO

TAKE, COMPLETE, OR COOPERATE IN COMPLETING ANY TEST OR TESTS, THE TEST OR TESTS MAY BE PERFORMED AT THE DIRECTION OF A LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE, WITHOUT THE PERSON'S AUTHORIZATION OR CONSENT. IF A PERSON REFUSES TO TAKE, COMPLETE, OR COOPERATE IN TAKING OR COMPLETING ANY TEST OR TESTS REQUIRED BY THIS PARAGRAPH (a), THE PERSON SHALL BE SUBJECT TO LICENSE REVOCATION PURSUANT TO THE PROVISIONS OF SECTION 42-2-126 (3), C.R.S. WHEN THE TEST OR TESTS SHOW THAT THE AMOUNT OF ALCOHOL IN A PERSON'S BLOOD WAS IN VIOLATION OF THE LIMITS PROVIDED FOR IN SECTION 42-2-126 (3) (a), (3) (b), (3) (d), OR (3) (e), C.R.S., THE PERSON SHALL BE SUBJECT TO LICENSE REVOCATION PURSUANT TO THE PROVISIONS OF SECTION 42-2-126, C.R.S.

(b) ANY PERSON WHO IS REQUIRED TO SUBMIT TO TESTING SHALL COOPERATE WITH THE PERSON AUTHORIZED TO OBTAIN SPECIMENS OF HIS OR HER BLOOD, BREATH, SALIVA, OR URINE, INCLUDING THE SIGNING OF ANY RELEASE OR CONSENT FORMS REQUIRED BY ANY PERSON, HOSPITAL, CLINIC, OR ASSOCIATION AUTHORIZED TO OBTAIN SUCH SPECIMENS. IF SUCH PERSON DOES NOT COOPERATE WITH THE PERSON, HOSPITAL, CLINIC, OR ASSOCIATION AUTHORIZED TO OBTAIN SUCH SPECIMENS, INCLUDING THE SIGNING OF ANY RELEASE OR CONSENT FORMS, SUCH NONCOOPERATION SHALL BE CONSIDERED A REFUSAL TO SUBMIT TO TESTING.

(c) THE TESTS SHALL BE ADMINISTERED AT THE DIRECTION OF A LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE TO BELIEVE THAT THE PERSON COMMITTED A VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND IN ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE STATE BOARD OF HEALTH CONCERNING THE HEALTH OF THE PERSON BEING TESTED AND THE ACCURACY OF THE TESTING. STRICT COMPLIANCE WITH THE RULES AND REGULATIONS SHALL NOT BE A PREREQUISITE TO THE ADMISSIBILITY OF TEST RESULTS AT TRIAL UNLESS THE COURT FINDS THAT THE EXTENT OF NONCOMPLIANCE WITH A BOARD OF HEALTH RULE HAS SO IMPAIRED THE VALIDITY AND RELIABILITY OF THE TESTING METHOD AND THE TEST RESULTS AS TO RENDER THE EVIDENCE INADMISSIBLE. IN ALL OTHER CIRCUMSTANCES, FAILURE TO STRICTLY COMPLY WITH SUCH RULES AND REGULATIONS SHALL ONLY BE CONSIDERED IN THE WEIGHT TO BE GIVEN TO THE TEST RESULTS AND NOT TO THE ADMISSIBILITY OF THE TEST RESULTS. IT SHALL NOT BE A PREREQUISITE TO THE ADMISSIBILITY OF TEST RESULTS AT TRIAL THAT THE PROSECUTION PRESENT TESTIMONY CONCERNING THE COMPOSITION OF ANY KIT USED TO OBTAIN BLOOD, URINE, SALIVA, OR BREATH SPECIMENS. A SUFFICIENT EVIDENTIARY FOUNDATION CONCERNING THE COMPLIANCE OF SUCH KITS WITH THE RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL BE ESTABLISHED BY THE INTRODUCTION OF A COPY OF THE MANUFACTURER'S OR SUPPLIER'S CERTIFICATE OF COMPLIANCE WITH THE RULES AND REGULATIONS IF THE CERTIFICATE SPECIFIES THE CONTENTS, STERILITY, CHEMICAL MAKEUP, AND AMOUNTS OF CHEMICALS CONTAINED IN SUCH KIT.

(d) NO PERSON EXCEPT A PHYSICIAN, A REGISTERED NURSE, AN EMERGENCY MEDICAL SERVICE PROVIDER AS CERTIFIED IN PART 2 OF ARTICLE 3.5 OF TITLE 25, C.R.S., AN EMERGENCY MEDICAL TECHNICIAN AS DEFINED IN PART 1 OF ARTICLE 3.5 OF TITLE 25, C.R.S., OR A PERSON WHOSE NORMAL DUTIES INCLUDE WITHDRAWING BLOOD SAMPLES UNDER THE SUPERVISION OF A PHYSICIAN OR REGISTERED NURSE SHALL BE ENTITLED TO WITHDRAW BLOOD FOR THE PURPOSE OF DETERMINING THE ALCOHOL OR DRUG CONTENT THEREIN. IN ANY TRIAL FOR A VIOLATION OF

PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, TESTIMONY OF A LAW ENFORCEMENT OFFICER THAT HE OR SHE WITNESSED THE TAKING OF A BLOOD SPECIMEN BY A PERSON WHO HE OR SHE REASONABLY BELIEVED WAS AUTHORIZED TO WITHDRAW BLOOD SPECIMENS SHALL BE SUFFICIENT EVIDENCE THAT THE PERSON WAS SO AUTHORIZED, AND TESTIMONY FROM THE PERSON WHO OBTAINED THE BLOOD SPECIMENS CONCERNING THE PERSON'S AUTHORIZATION TO OBTAIN BLOOD SPECIMENS SHALL NOT BE A PREREQUISITE TO THE ADMISSIBILITY OF TEST RESULTS CONCERNING THE BLOOD SPECIMENS OBTAINED. NO CIVIL LIABILITY SHALL ATTACH TO ANY PERSON AUTHORIZED TO OBTAIN BLOOD, BREATH, SALIVA, OR URINE SPECIMENS OR TO ANY HOSPITAL, CLINIC, OR ASSOCIATION IN OR FOR WHICH SUCH SPECIMENS ARE OBTAINED PURSUANT TO THIS SUBSECTION (5) AS A RESULT OF THE ACT OF OBTAINING SUCH SPECIMENS FROM ANY PERSON IF SUCH SPECIMENS WERE OBTAINED ACCORDING TO THE RULES AND REGULATIONS PRESCRIBED BY THE STATE BOARD OF HEALTH; EXCEPT THAT THIS SUBSECTION (5) SHALL NOT RELIEVE ANY SUCH PERSON FROM LIABILITY FOR NEGLIGENCE IN THE OBTAINING OF ANY SPECIMEN SAMPLE.

(e) ANY PERSON WHO IS DEAD OR UNCONSCIOUS SHALL BE TESTED TO DETERMINE THE ALCOHOL OR DRUG CONTENT OF HIS OR HER BLOOD OR ANY DRUG CONTENT OF HIS OR HER SYSTEM AS PROVIDED IN THIS SUBSECTION (5). IF A TEST CANNOT BE ADMINISTERED TO A PERSON WHO IS UNCONSCIOUS, HOSPITALIZED, OR UNDERGOING MEDICAL TREATMENT BECAUSE THE TEST WOULD ENDANGER THE PERSON'S LIFE OR HEALTH, THE LAW ENFORCEMENT AGENCY SHALL BE ALLOWED TO TEST ANY BLOOD, URINE, OR SALIVA THAT WAS OBTAINED AND NOT UTILIZED BY A HEALTH CARE PROVIDER AND SHALL HAVE ACCESS TO THAT PORTION OF THE ANALYSIS AND RESULTS OF ANY TESTS ADMINISTERED BY THE PROVIDER THAT SHOW THE ALCOHOL OR DRUG CONTENT OF THE PERSON'S BLOOD OR ANY DRUG CONTENT WITHIN HIS OR HER SYSTEM. SUCH TEST RESULTS SHALL NOT BE CONSIDERED PRIVILEGED COMMUNICATIONS, AND THE PROVISIONS OF SECTION 13-90-107, C.R.S., RELATING TO THE PHYSICIAN-PATIENT PRIVILEGE SHALL NOT APPLY. ANY PERSON WHO IS DEAD, IN ADDITION TO THE TESTS PRESCRIBED, SHALL ALSO HAVE HIS OR HER BLOOD CHECKED FOR CARBON MONOXIDE CONTENT AND FOR THE PRESENCE OF DRUGS, AS PRESCRIBED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. ANY INFORMATION OBTAINED SHALL BE MADE A PART OF THE LAW ENFORCEMENT OFFICER'S ACCIDENT REPORT.

(f) IF A PERSON REFUSES TO TAKE, COMPLETE, OR COOPERATE IN COMPLETING ANY TEST OR TESTS AS PROVIDED IN THIS SUBSECTION (5) AND THE PERSON SUBSEQUENTLY STANDS TRIAL FOR A VIOLATION OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE REFUSAL TO TAKE, COMPLETE, OR COOPERATE WITH COMPLETING ANY TEST OR TESTS SHALL BE ADMISSIBLE INTO EVIDENCE AT THE TRIAL, AND THE PERSON MAY NOT CLAIM THE PRIVILEGE AGAINST SELF-INCRIMINATION WITH REGARD TO THE ADMISSION OF HIS OR HER REFUSAL TO TAKE, COMPLETE, OR COOPERATE WITH COMPLETING ANY TEST OR TESTS.

(g) NOTWITHSTANDING ANY PROVISION OF SECTION 42-4-1301.1, C.R.S., CONCERNING REQUIREMENTS THAT RELATE TO THE MANNER IN WHICH TESTS ARE ADMINISTERED, THE TEST OR TESTS TAKEN PURSUANT TO THE PROVISIONS OF THIS SECTION MAY BE USED FOR THE PURPOSES OF DRIVER'S LICENSE REVOCATION PROCEEDINGS UNDER SECTION 42-2-126, C.R.S., AND FOR THE PURPOSES OF PROSECUTIONS FOR VIOLATIONS OF SECTION 42-4-1301 (1) OR (2), C.R.S.

(6) IN ALL ACTIONS, SUITS, AND JUDICIAL PROCEEDINGS IN ANY COURT OF THIS STATE CONCERNING ALCOHOL-RELATED OR DRUG-RELATED TRAFFIC OFFENSES, THE COURT SHALL TAKE JUDICIAL NOTICE OF METHODS OF TESTING A PERSON'S ALCOHOL OR DRUG LEVEL AND OF THE DESIGN AND OPERATION OF DEVICES, AS CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, FOR TESTING A PERSON'S BLOOD, BREATH, SALIVA, OR URINE TO DETERMINE HIS OR HER ALCOHOL OR DRUG LEVEL. THIS SUBSECTION (6) SHALL NOT PREVENT THE NECESSITY OF ESTABLISHING DURING A TRIAL THAT THE TESTING DEVICES USED WERE WORKING PROPERLY AND THAT SUCH TESTING DEVICES WERE PROPERLY OPERATED. NOTHING IN THIS SUBSECTION (6) SHALL PRECLUDE A DEFENDANT FROM OFFERING EVIDENCE CONCERNING THE ACCURACY OF TESTING DEVICES.

18-3.5-109. Careless driving resulting in unlawful termination of pregnancy - penalty. (1) A PERSON WHO DRIVES A MOTOR VEHICLE, BICYCLE, ELECTRICAL ASSISTED BICYCLE, OR LOW-POWER SCOOTER IN A CARELESS AND IMPRUDENT MANNER, WITHOUT DUE REGARD FOR THE WIDTH, GRADE, CURVES, CORNERS, TRAFFIC, AND USE OF THE STREETS AND HIGHWAYS AND ALL OTHER ATTENDANT CIRCUMSTANCES AND CAUSES THE UNLAWFUL TERMINATION OF A PREGNANCY OF A WOMAN IS GUILTY OF CARELESS DRIVING, RESULTING IN UNLAWFUL TERMINATION OF PREGNANCY. A PERSON CONVICTED OF CARELESS DRIVING OF A BICYCLE OR ELECTRICAL ASSISTED BICYCLE RESULTING IN THE UNLAWFUL TERMINATION OF PREGNANCY SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 42-2-127, C.R.S.

(2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE.

18-3.5-110. Construction. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO CONFER THE STATUS OF "PERSON" UPON A HUMAN EMBRYO, FETUS, OR UNBORN CHILD AT ANY STAGE OF DEVELOPMENT PRIOR TO LIVE BIRTH.

SECTION 3. In Colorado Revised Statutes, **repeal** part 1 of article 6 of title 18, 12-32-107 (3) (m), 12-36-117 (1) (b), 25-1-1202 (1) (ee), and 30-10-606 (1) (d).

SECTION 4. In Colorado Revised Statutes, **amend** 12-61-113 (1) (m) as follows:

12-61-113. Investigation - revocation - actions against licensee - repeal. (1) The commission, upon its own motion, may, and, upon the complaint in writing of any person, shall, investigate the activities of any licensee or any person who assumes to act in such capacity within the state, and the commission, after the holding of a hearing pursuant to section 12-61-114, has the power to impose an administrative fine not to exceed two thousand five hundred dollars for each separate offense and to censure a licensee, to place the licensee on probation and to set the terms of probation, or to temporarily suspend or permanently revoke a license when the licensee has performed, is performing, or is attempting to perform any of the following acts and is guilty of:

(m) Conviction of, entering a plea of guilty to, or entering a plea of nolo contendere to any crime in article 3 of title 18, C.R.S.; parts 1, 2, 3, and 4 of article 4 of title 18, C.R.S.; part 1, 2, 3, 4, 5, 7, 8, or 9 of article 5 of title 18, C.R.S.; article

5.5 of title 18, C.R.S.; ~~parts 1, 3, 4, 5, 6, 7, and 8 of article 6 of title 18, C.R.S.;~~ parts 1, 3, 4, 5, 6, 7, and 8 of article 7 of title 18, C.R.S.; part 3 of article 8 of title 18, C.R.S.; article 15 of title 18, C.R.S.; article 17 of title 18, C.R.S.; section 18-18-404, 18-18-405, 18-18-406, 18-18-411, 18-18-412.5, 18-18-412.7, 18-18-412.8, 18-18-415, 18-18-416, 18-18-422, or 18-18-423, C.R.S., or any other like crime under Colorado law, federal law, or the laws of other states. A certified copy of the judgment of a court of competent jurisdiction of such conviction or other official record indicating that such plea was entered shall be conclusive evidence of such conviction or plea in any hearing under this part 1.

SECTION 5. In Colorado Revised Statutes, 13-22-103, **amend** (1) as follows:

13-22-103. Minors - consent for medical, dental, and related care. (1) Except as otherwise provided in sections 18-1.3-407 (4.5), ~~18-6-101~~, 25-4-402, and 12-34-104, C.R.S., a minor eighteen years of age or older, or a minor fifteen years of age or older who is living separate and apart from his or her parent, parents, or legal guardian, with or without the consent of his or her parent, parents, or legal guardian, and is managing his or her own financial affairs, regardless of the source of his or her income, or any minor who has contracted a lawful marriage may give consent to organ or tissue donation or the furnishing of hospital, medical, dental, emergency health, and surgical care to himself or herself. Such consent shall not be subject to disaffirmance because of minority, and, when such consent is given, said minor shall have the same rights, powers, and obligations as if he or she had obtained majority. Consent to organ or tissue donation may be revoked pursuant to section 12-34-106, C.R.S.

SECTION 6. In Colorado Revised Statutes, **amend** 13-22-105 as follows:

13-22-105. Minors - birth control services rendered by physicians. ~~Except as otherwise provided in part 1 of article 6 of title 18, C.R.S.,~~ Birth control procedures, supplies, and information may be furnished by physicians licensed under article 36 of title 12, C.R.S., to any minor who is pregnant, or a parent, or married, or who has the consent of his parent or legal guardian, or who has been referred for such services by another physician, a clergyman, a family planning clinic, a school or institution of higher education, or any agency or instrumentality of this state or any subdivision thereof, or who requests and is in need of birth control procedures, supplies, or information.

SECTION 7. In Colorado Revised Statutes, 18-1.3-406, **amend** (2) (a) (II) (I) and (2) (a) (II) (J); and **add** (2) (a) (II) (K) as follows:

18-1.3-406. Mandatory sentences for violent crimes. (2) (a) (II) Subparagraph (I) of this paragraph (a) applies to the following crimes:

- (I) Escape; ~~or~~
- (J) Criminal extortion; OR
- (K) FIRST OR SECOND DEGREE UNLAWFUL TERMINATION OF PREGNANCY.

SECTION 8. In Colorado Revised Statutes, **add** 17-18-108 as follows:

17-18-108. Appropriation to comply with section 2-2-703 - HB 13-1154 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 13-1154, ENACTED IN 2013:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED TWENTY-FOUR THOUSAND SIXTY-THREE DOLLARS (\$124,063).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED TWENTY-ONE THOUSAND SEVEN HUNDRED SEVENTY-THREE DOLLARS (\$121,773).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SEVENTY-SIX THOUSAND SIX HUNDRED FIFTY-FIVE DOLLARS (\$76,655).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SEVENTY-SIX THOUSAND SIX HUNDRED FIFTY-FIVE DOLLARS (\$76,655).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 9. Effective date - applicability. This act takes effect July 1, 2013, and applies to offenses committed on or after said date.

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

Approved: June 5, 2013