

Proposition ? : Create Crime of Murder of a Living Human Being Before, During, or After Birth

Placed on the ballot by citizen initiative • Passes with a majority vote

1 **Proposition ? proposes amending the Colorado statutes to:**

- 2 • establish that it is a crime to murder a living human being before, during, or
3 after birth;
- 4 • create exceptions to the crime to save the life or preserve the health of both
5 the pregnant woman and living child, or to remove an ectopic pregnancy or a
6 child that is no longer living; and
- 7 • impose penalties for the crime that are equal to existing penalties in Colorado
8 law for the murder of a child.

9 **What Your Vote Means**

YES 10 A “yes” vote on
11 Proposition ? establishes
12 that it is a crime to murder a living human
13 being before, during, or after birth, with
14 certain exceptions.

NO A “no” vote on Proposition ?
means that abortion will remain
legal in Colorado.

Summary and Analysis for Proposition ?

1 What does Proposition ? do?

2 Proposition ? creates a new crime called murder of a child. Murder of a child is
3 defined as intentionally causing the death of a living human being before, during,
4 or after birth up to age 18, by using or prescribing any instrument, medication,
5 substance, device, or means that causes death.

6 Murder of a child does not include any actions or attempts to save the life or
7 preserve the health of both the pregnant woman and living child, or to remove an
8 ectopic pregnancy or a child that is no longer living.

9 According to Proposition ?, the penalties for murder of a child are equal to
10 existing penalties in current law for murdering a child.

11 What is current Colorado law regarding murder of a child and termination of 12 pregnancy?

13 Colorado law prohibits homicide, or the killing of a person by another. "Person"
14 is defined in law as a human being who had been born and was alive at the time
15 of the homicidal act. The charges for homicide vary depending on intent and
16 circumstances and are punishable by sentences ranging from six years to life in
17 prison without the possibility of parole. It is also illegal to terminate a woman's
18 pregnancy without the consent of the pregnant woman. An abortion is not
19 considered unlawful termination of a pregnancy.

20 Colorado recently passed a law allowing a pregnant person to access an
21 abortion at any time during their pregnancy. Abortion is defined in the law as any
22 medical procedure, instrument, agent, or drug used to terminate a pregnancy that
23 is not intended to increase the probability of a live birth. The law also states that
24 a fertilized egg, embryo, or fetus does not have independent rights.

25 Does Proposition ? impact access to abortion in Colorado?

26 Proposition ? makes it illegal to murder a living human being before birth. It does
27 not define what is meant by "living human being" before birth. The term "living
28 human being" is not currently defined elsewhere in state law, and is used only in
29 laws regarding tissue, organ, and blood donation. Depending on how "living
30 human being" is defined or interpreted, Proposition ? may limit or prohibit access
31 to abortion.

For information on those issue committees that support or oppose the measures on the ballot at the November 8, 2022, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

1 **Argument For Proposition ?**

2 1) This measure preserves the right to life by adding a new and important legal
3 protection for all unborn children. By prohibiting the intentional murder of
4 unborn children, Proposition ? prevents the unnecessary loss of a child's life
5 and instead, recognizes the inalienable right to life of every human being
6 before, during, and after birth.

7 **Argument Against Proposition ?**

8 1) The measure is intended to prohibit abortion, which should be a private
9 decision between a pregnant woman and her health care provider. Under this
10 measure, doctors may be reluctant to provide care to pregnant women for fear
11 of prosecution, and women may face criminal investigation or penalties for
12 pregnancy complications or a miscarriage.

13 **Fiscal Impact for Proposition ?**

14 Proposition ? may increase state revenue and state and local spending if it
15 increases civil and criminal cases, as described below.

16 **State revenue.** Proposition ? may increase state revenue from criminal fines
17 and court fees if it leads to more convictions of the new or modified criminal
18 offenses under the measure or increases the number of civil cases filed.

19 **State spending.** Proposition ? may increase state expenditures in several areas
20 if the proposition leads to more persons being charged with criminal offenses.
21 First, costs to the Department of Corrections will increase by \$24,577 per year for
22 each individual sentenced to prison under the measure. Second, costs will
23 increase to state law enforcement agencies and the courts for the investigation
24 and prosecution of individuals charged with criminal offenses. Finally, costs will
25 increase to the Department of Health Care Policy and Financing if it transports a
26 woman pregnant as a result of rape or incest to another state to obtain an
27 abortion, as required by federal law.

28 **Local government impact.** Local law enforcement agencies and district
29 attorneys may have increased workload to investigate and prosecute more
30 cases. Persons charged with criminal offenses under the measure may be held
31 in a county jail while awaiting trial, increasing costs for county jails.