



Initiative 81

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Impact Statement

Date: November 17, 2023

Fiscal Analyst: Erin Reynolds (303-866-4146)

LCS TITLE: PROTECTIONS FOR A LIVING CHILD

Summary of Measure

Beginning January 1, 2025, this initiative prohibits the intentional killing or disabling of a “living human child” (child), defined as a human being from conception through emancipation, making abortion or any in-utero harm of a child punishable under state homicide statutes.

Any business, warehouse, pharmacy, or distribution service that provides drugs, medication, or tools for the purposes of killing or disabling a child must close and permanently lose all forms of licensing. District attorneys, local law enforcement, local municipalities, city councils, and county commissioners have concurrent jurisdiction with the Attorney General to enforce the initiative.

Finally, the initiative specifies that it supersedes any conflicting statutes or cases.

State Revenue

The measure may increase state revenue from criminal fines and court fees if it leads to an increase in criminal convictions. The measure may reduce state licensing revenue if it results in the closure of licensed facilities.

State Expenditures

The measure may increase state expenditures in several ways. If the measure leads to more persons being charged with criminal offenses, costs may increase for the Attorney General, state law enforcement agencies, and the courts for the investigation and prosecution of individuals charged with criminal offenses. Independent Judicial agencies may have an increase in costs to provide legal representation to indigent persons in any court proceedings. Costs may increase for the Department of Corrections to incarcerate individuals convicted and sentenced to prison under the measure. The Department of Health Care Policy and Financing, in order to remain compliant with federal law, may have increased costs to transport a person who is pregnant as a result of rape or incest to another state to obtain an abortion. Finally, the Department of Public Health and Environment and the Department of Regulatory Agencies may have an increase in workload to ensure regulated facilities and individuals are in compliance with the new law.

Local Government

Local law enforcement agencies and district attorneys may have increased workload to investigate and prosecute more cases, as well as to receive reporting on illegal activity under the measure. Persons charged with criminal offenses under the measure may be held in a county jail while awaiting trial, which would increase costs for counties. Finally, local public health agencies may have an increase in workload to ensure regulated facilities are in compliance with the new law.

Effective Date

If approved by voters at the 2024 general election, this measure takes effect January 1, 2025, and applies to offenses committed on or after that date.

State and Local Government Contacts

Child Welfare	Corrections	Counties
District Attorneys	Health Care Policy and Financing	Human Services
Judicial	Law	Municipalities
Public Health and Environment	Regulatory Agencies	

Other Sources Considered

Motion for Rehearing, submitted to the Title Board by Proponents and Designated Representatives, Angela Eicher and Tralita Faye Barnhart. Available on the [Secretary of State's website](#).