

House Health & Insurance Committee  
HB21-1017 CONCERNING THE PROTECTION OF HUMAN LIFE BEGINNING AT CONCEPTION.  
Wednesday, March 24, 2021

Honorable Chairperson Lontine and members of the Committee; my name is Ingrid Moore, from Longmont. I'm a concerned citizen speaking on my own behalf to **oppose** House Bill 21-1017.

I'm not going to go down the rabbit-hole of arguing about when life begins. Obviously that question is not answerable by either science or religion. So, based only on personal opinion, other peoples' rights of self-determination are being criminalized.

This bill would create a felony against a person making a legal, private, personal decision.

- The bill offers no remedies for mitigating abortions.
- It proposes no programs to provide family-planning assistance to those who need it so that possible abortions can be avoided.
- It proposes no ideas for working with colleagues on common ground for abortion-mitigation.

Instead, the proposed bill would cost the state more money and remove control of their own lives from thousands of Colorado residents. Other solutions exist that would not only reduce abortions, but save money and lives.

An example of something that could be used as a model is The Colorado Family Planning Initiative.

[https://www.colorado.gov/pacific/sites/default/files/PSD\\_TitleX3\\_CFPI-Report.pdf](https://www.colorado.gov/pacific/sites/default/files/PSD_TitleX3_CFPI-Report.pdf)

The privately-funded initiative ran from 2007-2014. The report lists dramatic results:

- *the state's teen birth and abortion rates were cut in half in just five years.*
- They estimated that a *total of \$66,063,664 to \$69,625,751 in [federal and state] entitlement program costs for Colorado women ages 15 to 24 and their infants were avoided from 2010 to 2014*

I would support measures to fund such programs. But I cannot support this bill and its intent.

**I respectfully ask that the members of the committee vote NO.**

HB20-1075 Testimony (Protection of Human Life Beginning at Conception)  
Elizabeth Hinkley, ACLU of Colorado  
February 19, 2020

Thank you, Madam Chair. My name is Elizabeth Hinkley, and I am speaking on behalf of the ACLU of Colorado. The ACLU strongly opposes House Bill 1075 on the grounds that it is facially unconstitutional and proposes egregious political overreach.

House Bill 1075 prohibits abortion at all stages of pregnancy – including before a fetus is viable, and contains no exception for when abortion is necessary to preserve a pregnant person’s health. The U.S. Supreme Court has repeatedly and decisively held that, pre-viability, a pregnant person possesses the fundamental right to choose abortion. The Supreme Court has repeatedly and decisively held that, post-viability, a State may not prevent a pregnant person from choosing abortion if continuing the pregnancy poses a serious risk to their health. This Bill deprives pregnant Coloradans of these personal liberties in violation of the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution.

Further, the policy proposed by this bill is so regressive that it would return Colorado to a time when equal rights for women and pregnant people were just a pipe dream. Colorado was the first state to legalize abortion in 1967, six years before Roe v. Wade was decided. Here are some other laws that were in place in 1967: (1) it was legal for banks to refuse to extend credit to a woman if she did not have a man co-sign for her; (2) it was legal to fire a woman from her job if she became pregnant; and (3) it was legal for a husband to violently rape his wife – because she was his possession and, as such, all intercourse was presumed consensual. Intent aside, this bill will have the impact of returning Coloradans to a time in history that a resounding majority of us do not wish to revisit.

Coloradans deserve better than House Bill 1075, and the U.S. Constitutional compels you to treat us better. The ACLU urges a “no” vote on House Bill 1075. Thank you.



## COLORADO CRIMINAL DEFENSE BAR

Testimony in opposition to HB21-1017, Concerning the Protection of Human Life at Conception:

This bill would make it a Class One Felony, where the only sentence that may be imposed upon conviction is life without the possibility of parole, for any person to perform “the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the pregnancy of a woman with knowledge or reason to believe that the termination by those means will cause the death of the unborn child” without the intent to “save the life or preserve the health of an unborn child; remove a dead unborn child who did not die as a result of an intentional, knowing, or reckless action to terminate a pregnancy; or remove an ectopic pregnancy.”

This should not be a crime, let alone the highest level of felony under Colorado criminal law with the most severe penalty available in our state. This offense is equated with First Degree Murder. This bill is a radical departure from existing criminal law in Colorado and should not be passed.

This bill language would directly conflict with the Colorado homicide statute at C.R.S. 18-3-101, which defines homicide as “the killing of a person by another,” and person, “when referring to the victim of a homicide, means a human being who had been born and was alive at the time of the homicidal act.” It would also conflict with well-established case law precedent that holds the definition of “person” in the homicide statute does not include a fetus.

The bill also amends 18-3.5-103, Unlawful Termination of Pregnancy in the First Degree, (and subsequent sections defining related lesser offenses) which already criminalizes “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.” That offense is based upon a lack of consent to the procedure by the pregnant woman or her agent. Where there is no such consent, it is currently a Class 3 Felony, or where the woman dies as a result of the unlawful termination of pregnancy, a Class 2 Felony. Neither of those existing crimes carries a sentence of life without parole. Elevating the currently legal conduct (termination of a pregnancy with consent) to a Class One Felony flies in the face of our entire criminal law system.

Much of the other language in the bill is equally problematic from a criminal law perspective. It is also important to recognize that the provision on page 5, lines 11-13 that attempts to deny the jurisdiction of the United States Supreme Court to conduct judicial review of Colorado statute is unconstitutional on its face. There is no legislative authority for this, and if the bill

were passed, it would inevitably result in appellate litigation that Colorado would have to pay for while having no hope of prevailing.

Even setting aside the numerous legitimate, robust policy concerns surrounding this bill, it is unconstitutional, indefensible in court, and would directly contradict an entire body of law, both case law precedent and statute, that governs homicide prosecutions in Colorado.

Please vote no on HB21-1017.

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Wednesday, March 24<sup>th</sup>, 2021

Dear Members of the House Health and Insurance Committee:

My name is Dani Strock and I represent the Students for Life and I am requesting a "YES" vote on HB21-1017.

This week, a terrible tragedy happened in Boulder. Ten lives were lost as an active shooter opened fire in a King Soopers. But did you know that the same day, twenty-four lives were lost at an abortion clinics nearby? My generation sees both of these as a tragedy.

I speak for the majority of my generation when I respectfully ask you to pass HB 21-1017 and protect babies' most basic of human rights, life.

Did you know that Gen Z and Millennials are pro-life generations? The pro-choice movement is losing numbers as countless young people's eyes are opened to the value of human life. We see the death that is plaguing our country and we are concerned. We see the detrimental repercussions on women's mental health and we know that we can do better. And, most importantly, my generation is young enough to still see a baby on the ultrasound screen.

Thank you for your consideration, thank you for your time, and thank you for your service.

Sincerely,

Dani Miller  
President  
Students For Life