

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0633.01 Shelby Ross x4510

HOUSE BILL 22-1079

HOUSE SPONSORSHIP

Williams, Hanks, Ransom, Sandridge

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ABOLISHING ABORTION IN COLORADO.

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 defines a "person" to include an unborn child at all stages of gestation, from fertilization to natural death, as it relates to a private right of action and current homicide and assault provisions.

The bill declares that any existing state law relating to prenatal homicide or regulating abortion or abortion facilities is superseded to the extent it conflicts or is inconsistent with the provisions of the bill. The bill requires the state to enforce homicide and assault provisions without regard to the opinion of the United States supreme court in *Roe v. Wade*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

and other supreme court decisions, past and future.

The bill authorizes the state to disregard any federal court decision that purports to enjoin or void this requirement and subjects a Colorado judge to impeachment or removal if the judge purports to enjoin, stay, overrule, or void the requirement.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares, acknowledging the sanctity of innocent human life created in the image of God, which should be equally protected from fertilization to natural death, that the purpose of this act is:

(a) To fully recognize the human personhood of an unborn child at all stages of development prior to birth from the moment of fertilization;

(b) To ensure the right to life and equal protection of the laws to all unborn children from the moment of fertilization by protecting unborn children with the same homicide and assault laws protecting all other human persons; and

(c) To recognize that the United States constitution, and the laws of the United States, which shall be made in pursuance thereof, are the supreme law of the land.

(2) Therefore, the general assembly intends to treat as void and give no effect to any and all federal statutes, regulations, treaties, orders, and court rulings that deprive an unborn child of the right to life or prohibit the equal protection of such right.

SECTION 2. In Colorado Revised Statutes, **amend** 13-21-202 as follows:

13-21-202. Action notwithstanding death - definition.

(1) When the death of a person is caused by a wrongful act, neglect, or

1 default of another, and the act, neglect, or default is such as would, if
2 death had not ensued, have entitled the party injured to maintain an action
3 and recover damages in respect thereof, then, and in every such case, the
4 person who or the corporation which would have been liable, if death had
5 not ensued, shall be liable in an action for damages notwithstanding the
6 death of the party injured.

7 (2) AS USED IN THIS SECTION, "PERSON" INCLUDES AN UNBORN
8 HUMAN CHILD AT EVERY STAGE OF GESTATION FROM FERTILIZATION UNTIL
9 BIRTH.

10 **SECTION 3.** In Colorado Revised Statutes, 18-3-101, **amend** the
11 introductory portion and (2) as follows:

12 **18-3-101. Definition of terms.** As used in this part 1: ~~unless the~~
13 ~~context otherwise requires:~~

14 (2) "Person", when referring to the victim of a homicide, means
15 a human being who ~~had been born and~~ was alive at the time of the
16 homicidal act, INCLUDING AN UNBORN CHILD AT EVERY STAGE OF
17 GESTATION FROM FERTILIZATION UNTIL BIRTH.

18 **SECTION 4.** In Colorado Revised Statutes, **add** 18-3-101.5 as
19 follows:

20 **18-3-101.5. Enforcement of provisions.** (1) EXISTING
21 PROVISIONS RELATING TO PRENATAL HOMICIDE OR REGULATING ABORTION
22 OR ABORTION FACILITIES ARE NOT REPEALED BUT ARE SUPERSEDED TO THE
23 EXTENT THE PROVISIONS CONFLICT WITH OR ARE INCONSISTENT WITH THIS
24 SECTION OR SECTION 18-3-101 (2).

25 (2) WITHOUT LIMITING PROSECUTORIAL DISCRETION, THE STATE
26 AND ALL POLITICAL SUBDIVISIONS OF THE STATE SHALL ENFORCE THE
27 PROVISIONS OF THIS PART 1 WITHOUT REGARD TO THE OPINIONS AND

1 JUDGMENTS OF THE UNITED STATES SUPREME COURT IN *ROE V. WADE*, 410
2 U.S. 113 (1973), AND OTHER SUPREME COURT DECISIONS, PAST AND
3 FUTURE, INCLUDING BUT NOT LIMITED TO, *PLANNED PARENTHOOD V.*
4 *CASEY*, 505 U.S. 833 (1992) AND *JUNE MED. SERVS. L.L.C. V. RUSSO*, 140
5 S. CT. 2103 (2020).

6 (3) NOTHING IN THIS SECTION ALTERS ANY EXISTING
7 PRESUMPTION, DEFENSE, JUSTIFICATION, IMMUNITY, OR CLEMENCY THAT
8 MIGHT APPLY IN THE CASE OF THE HOMICIDE OR ASSAULT OF A BORN
9 PERSON, INCLUDING BUT NOT LIMITED TO SECTIONS 13-90-118, 18-1-402,
10 18-1-504, 18-1-702, 18-1-708, OR ARTICLE IV, SECTION 7 OF THE STATE
11 CONSTITUTION.

12 (4) (a) ANY FEDERAL STATUTE, REGULATION, TREATY, EXECUTIVE
13 ORDER, OR COURT RULING THAT PURPORTS TO SUPERSEDE, STAY, OR
14 OVERRULE THIS SECTION IS A VIOLATION OF THE STATE CONSTITUTION AND
15 THE UNITED STATES CONSTITUTION AND IS VOID.

16 (b) THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, AND
17 ANY AGENT OF THE STATE MAY DISREGARD ANY PART OR THE WHOLE OF
18 A FEDERAL COURT DECISION THAT PURPORTS TO ENJOIN OR VOID ANY
19 PROVISION OF THIS SECTION.

20 (5) PURSUANT TO THE POWERS GRANTED TO THE GENERAL
21 ASSEMBLY IN ARTICLE XIII OF THE STATE CONSTITUTION, ANY JUDGE OF
22 THIS STATE WHO PURPORTS TO ENJOIN, STAY, OVERRULE, OR VOID ANY
23 PROVISION OF THIS SECTION IS SUBJECT TO IMPEACHMENT OR REMOVAL.

24 **SECTION 5.** In Colorado Revised Statutes, 18-3-201, **amend** the
25 introductory portion; and **add** (2.5) as follows:

26 **18-3-201. Definitions.** As used in sections 18-3-201 to 18-3-204:
27 ~~unless the context otherwise requires:~~

1 (2.5) "PERSON", WHEN REFERRING TO THE VICTIM OF AN ASSAULT,
2 MEANS A HUMAN BEING WHO WAS ALIVE AT THE TIME OF THE ASSAULT,
3 INCLUDING AN UNBORN CHILD AT EVERY STAGE OF GESTATION FROM
4 FERTILIZATION UNTIL BIRTH.

5 **SECTION 6.** In Colorado Revised Statutes, **add** 18-3-201.5 as
6 follows:

7 **18-3-201.5. Enforcement of provisions.** (1) EXISTING
8 PROVISIONS RELATING TO PRENATAL HOMICIDE OR REGULATING ABORTION
9 OR ABORTION FACILITIES ARE NOT REPEALED BUT ARE SUPERSEDED TO THE
10 EXTENT THE PROVISIONS CONFLICT WITH OR ARE INCONSISTENT WITH THIS
11 SECTION OR SECTION 18-3-201 (2.5).

12 (2) WITHOUT LIMITING PROSECUTORIAL DISCRETION, THE STATE
13 AND ALL POLITICAL SUBDIVISIONS OF THE STATE SHALL ENFORCE THE
14 PROVISIONS OF THIS PART 2 WITHOUT REGARD TO THE OPINIONS AND
15 JUDGMENTS OF THE UNITED STATES SUPREME COURT IN *ROE V. WADE*, 410
16 U.S. 113 (1973), AND OTHER SUPREME COURT DECISIONS, PAST AND
17 FUTURE, INCLUDING BUT NOT LIMITED TO, *PLANNED PARENTHOOD V.*
18 *CASEY*, 505 U.S. 833 (1992) AND *JUNE MED. SERVS. L.L.C. V. RUSSO*, 140
19 S. CT. 2103 (2020).

20 (3) NOTHING IN THIS SECTION ALTERS ANY EXISTING
21 PRESUMPTION, DEFENSE, JUSTIFICATION, IMMUNITY, OR CLEMENCY THAT
22 MIGHT APPLY IN THE CASE OF THE HOMICIDE OR ASSAULT OF A BORN
23 PERSON, INCLUDING BUT NOT LIMITED TO SECTIONS 13-90-118, 18-1-402,
24 18-1-504, 18-1-702, AND 18-1-708 OR ARTICLE IV, SECTION 7 OF THE
25 STATE CONSTITUTION.

26 (4) (a) ANY FEDERAL STATUTE, REGULATION, TREATY, EXECUTIVE
27 ORDER, OR COURT RULING THAT PURPORTS TO SUPERSEDE, STAY, OR

1 OVERRULE THIS SECTION IS A VIOLATION OF THE STATE CONSTITUTION AND
2 THE UNITED STATES CONSTITUTION AND IS VOID.

3 (b) THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, AND
4 ANY AGENT OF THE STATE MAY DISREGARD ANY PART OR THE WHOLE OF
5 A FEDERAL COURT DECISION THAT PURPORTS TO ENJOIN OR VOID ANY
6 PROVISION OF THIS SECTION.

7 (5) PURSUANT TO THE POWERS GRANTED TO THE GENERAL
8 ASSEMBLY IN ARTICLE XIII OF THE STATE CONSTITUTION, ANY JUDGE OF
9 THIS STATE WHO PURPORTS TO ENJOIN, STAY, OVERRULE, OR VOID ANY
10 PROVISION OF THIS SECTION IS SUBJECT TO IMPEACHMENT OR REMOVAL.

11 **SECTION 7. Severability.** If any provision of this act or the
12 application thereof to any person or circumstance is held invalid, such
13 invalidity does not affect other provisions or applications of the act that
14 can be given effect without the invalid provision or application, and to
15 this end the provisions of this act are declared to be severable.

16 **SECTION 8. Applicability.** This act applies to crimes committed
17 on or after the effective date of this act. For the purposes of this act, a
18 crime is committed before the effective date of this act if any element of
19 the crime occurs before the effective date.

20 **SECTION 9. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.