

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 16-0061.01 Michael Dohr x4347

**HOUSE BILL 16-1113**

---

**HOUSE SPONSORSHIP**

**Humphrey**, Neville P., Saine, Everett, Klingenschmitt, Buck, Van Winkle, Nordberg, Becker J., Ransom, Joshi, Lundeen, Wilson, Navarro, Lawrence, Wist, Willett, Brown, Priola, Windholz

**SENATE SPONSORSHIP**

**Lundberg**, Holbert, Grantham, Cooke, Marble, Woods, Lambert, Sonnenberg

---

**House Committees**

Health, Insurance, & Environment

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING THE PROTECTION OF HUMAN LIFE BEGINNING AT**  
102      **CONCEPTION.**

---

**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://www.leg.state.co.us/billsummaries>.)*

The bill prohibits terminating the life of an unborn child and makes a violation a class 1 felony. The following are exceptions to the prohibition:

- !      A licensed physician performs a medical procedure designed or intended to prevent the death of a pregnant mother, if the physician makes reasonable medical efforts

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



1           **18-6-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE  
2 CONTEXT OTHERWISE REQUIRES:

3           (1) "FERTILIZATION" MEANS THAT POINT IN TIME WHEN A MALE  
4 HUMAN SPERM PENETRATES THE ZONA PELLUCIDA OF A FEMALE HUMAN  
5 OVUM.

6           (2) "PREGNANT" OR "PREGNANCY" MEANS THE HUMAN FEMALE  
7 REPRODUCTIVE CONDITION OF HAVING A LIVING UNBORN HUMAN BEING  
8 WITHIN HER BODY THROUGHOUT THE ENTIRE EMBRYONIC AND FETAL AGES  
9 OF THE UNBORN CHILD FROM FERTILIZATION TO FULL GESTATION AND  
10 CHILDBIRTH.

11           (3) "UNBORN HUMAN BEING" OR "UNBORN CHILD" MEANS AN  
12 INDIVIDUAL LIVING MEMBER OF THE SPECIES HOMO SAPIENS, THROUGHOUT  
13 THE ENTIRE EMBRYONIC AND FETAL AGES OF THE UNBORN CHILD FROM  
14 FERTILIZATION TO FULL GESTATION AND CHILDBIRTH.

15           **18-6-902. Termination of the life of an unborn child**  
16 **prohibition.** (1) A PERSON SHALL NOT KNOWINGLY ADMINISTER TO,

17 PRESCRIBE FOR, PROCURE FOR, OR SELL TO A PREGNANT MOTHER ANY  
18 MEDICINE, DRUG, OR OTHER SUBSTANCE WITH THE SPECIFIC INTENT OF  
19 CAUSING OR ABETTING THE TERMINATION OF THE LIFE OF AN UNBORN  
20 HUMAN BEING. A PERSON SHALL NOT KNOWINGLY USE OR EMPLOY ANY  
21 INSTRUMENT OR PROCEDURE UPON A PREGNANT MOTHER WITH THE  
22 SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION OF THE LIFE  
23 OF AN UNBORN HUMAN BEING.

24           (2) A VIOLATION OF THIS SECTION IS A CLASS 1 FELONY.

25           (3) (a) A LICENSED PHYSICIAN WHO PERFORMS A MEDICAL  
26 PROCEDURE DESIGNED OR INTENDED TO PREVENT THE DEATH OF A  
27 PREGNANT MOTHER IS NOT GUILTY OF VIOLATING THIS SECTION IF THE

1       PHYSICIAN MAKES REASONABLE MEDICAL EFFORTS TO PRESERVE BOTH THE  
2       LIFE OF THE MOTHER AND THE LIFE OF HER UNBORN CHILD IN A MANNER  
3       CONSISTENT WITH CONVENTIONAL MEDICAL PRACTICE.

4               (b) A LICENSED PHYSICIAN WHO PROVIDES MEDICAL TREATMENT  
5       TO A PREGNANT MOTHER THAT RESULTS IN THE ACCIDENTAL OR  
6       UNINTENTIONAL INJURY TO OR DEATH OF HER UNBORN CHILD IS NOT  
7       GUILTY OF VIOLATING THIS SECTION.

8               (c) A PREGNANT MOTHER UPON WHOM THE TERMINATION OF THE  
9       LIFE OF AN UNBORN CHILD IS PERFORMED OR ATTEMPTED IS NOT GUILTY  
10       OF VIOLATING THIS SECTION.

11              (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT  
12       THE SALE, USE, PRESCRIPTION, OR ADMINISTRATION OF A CONTRACEPTIVE  
13       MEASURE, DEVICE, DRUG, OR CHEMICAL IF IT IS ADMINISTERED PRIOR TO  
14       CONCEPTION AND IF THE CONTRACEPTIVE MEASURE, DEVICE, DRUG, OR  
15       CHEMICAL IS SOLD, USED, PRESCRIBED, OR ADMINISTERED IN ACCORDANCE  
16       WITH MANUFACTURER INSTRUCTIONS.

17              **SECTION 3.** In Colorado Revised Statutes, 18-3.5-103, **amend**  
18       (1) as follows:

19              **18-3.5-103. Unlawful termination of pregnancy in the first**  
20       **degree.** (1) A person commits the offense of unlawful termination of  
21       pregnancy in the first degree if, with the intent to terminate unlawfully the  
22       pregnancy of a woman, the person unlawfully terminates the woman's  
23       pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902 (1).

24              **SECTION 4.** In Colorado Revised Statutes, 18-3.5-104, **amend**  
25       (1) as follows:

26              **18-3.5-104. Unlawful termination of pregnancy in the second**  
27       **degree.** (1) A person commits the offense of unlawful termination of

1 pregnancy in the second degree if the person knowingly causes the  
2 unlawful termination of the pregnancy of a woman IN A MANNER OTHER  
3 THAN DESCRIBED IN SECTION 18-6-902 (1).

4 **SECTION 5.** In Colorado Revised Statutes, 18-3.5-105, **amend**  
5 (1) as follows:

6 **18-3.5-105. Unlawful termination of pregnancy in the third**  
7 **degree.** (1) A person commits the offense of unlawful termination of  
8 pregnancy in the third degree if, under circumstances manifesting extreme  
9 indifference to the value of human life, the person knowingly engages in  
10 conduct that creates a grave risk of death to another person, and thereby  
11 causes the unlawful termination of the pregnancy of a woman IN A  
12 MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902 (1).

13 **SECTION 6.** In Colorado Revised Statutes, 18-3.5-106, **amend**  
14 (1) as follows:

15 **18-3.5-106. Unlawful termination of pregnancy in the fourth**  
16 **degree.** (1) A person commits the offense of unlawful termination of  
17 pregnancy in the fourth degree if the person recklessly causes the  
18 unlawful termination of the pregnancy of a woman, IN A MANNER OTHER  
19 THAN DESCRIBED IN SECTION 18-6-902 (1), at such time as the person  
20 knew or reasonably should have known that the woman was pregnant.

21 **SECTION 7.** In Colorado Revised Statutes, 18-3.5-107, **amend**  
22 (1) as follows:

23 **18-3.5-107. Vehicular unlawful termination of pregnancy.**  
24 (1) If a person operates or drives a motor vehicle in a reckless manner,  
25 and this conduct is the proximate cause of the unlawful termination of the  
26 pregnancy of a woman, such person commits vehicular unlawful  
27 termination of pregnancy IN A MANNER OTHER THAN DESCRIBED IN

1 SECTION 18-6-902 (1).

2 SECTION 8. In Colorado Revised Statutes, 18-3.5-108, **amend**  
3 (1) (a) as follows:

4 **18-3.5-108. Aggravated vehicular unlawful termination of**  
5 **pregnancy - definitions.** (1) (a) If a person operates or drives a motor  
6 vehicle while under the influence of alcohol or one or more drugs, or a  
7 combination of both alcohol and one or more drugs, and this conduct is  
8 the proximate cause of the unlawful termination of the pregnancy of a  
9 woman, such person commits aggravated vehicular unlawful termination  
10 of pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902  
11 (1). This is a strict liability crime.

12 SECTION 9. In Colorado Revised Statutes, 18-3.5-109, **amend**  
13 (1) as follows:

14 **18-3.5-109. Careless driving resulting in unlawful termination**  
15 **of pregnancy - penalty.** (1) A person who drives a motor vehicle,  
16 bicycle, electrical-assisted bicycle, or low-power scooter in a careless and  
17 imprudent manner, without due regard for the width, grade, curves,  
18 corners, traffic, and use of the streets and highways and all other attendant  
19 circumstances and causes the unlawful termination of a pregnancy of a  
20 woman is guilty of careless driving, resulting in unlawful termination of  
21 pregnancy IN A MANNER OTHER THAN DESCRIBED IN SECTION 18-6-902 (1).  
22 A person convicted of careless driving of a bicycle or electrical-assisted  
23 bicycle resulting in the unlawful termination of pregnancy shall not be  
24 subject to the provisions of section 42-2-127, C.R.S.

25 SECTION 10. In Colorado Revised Statutes, 12-36-117, **add** (1)  
26 (nn) as follows:

27 **12-36-117. Unprofessional conduct.** (1) "Unprofessional

1     conduct" as used in this article means:

2             (mn) A CONVICTION FOR VIOLATING SECTION 18-6-902, C.R.S.,  
3     REGARDING THE PROHIBITION OF TERMINATING THE LIFE OF AN UNBORN  
4     CHILD.

5             **SECTION 11. Potential appropriation.** Pursuant to section  
6     2-2-703, Colorado Revised Statutes, any bill that results in a net increase  
7     in periods of imprisonment in the state correctional facilities must include  
8     an appropriation of moneys that is sufficient to cover any increased  
9     capital construction and operational costs for the first five fiscal years in  
10    which there is a fiscal impact. Because this act may increase periods of  
11    imprisonment, this act may require a five-year appropriation.

12            **SECTION 12. Effective date - applicability.** This act takes  
13    effect July 1, 2016, and applies to offenses committed on or after said  
14    date.

15            **SECTION 13. Safety clause.** The general assembly hereby finds,  
16    determines, and declares that this act is necessary for the immediate  
17    preservation of the public peace, health, and safety.