

First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 07-0390.01 Michael Dohr

SENATE BILL 07-143

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A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON ABORTION, AND MAKING AN  
102 APPROPRIATION IN CONNECTION THEREWITH.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Makes it a class 3 felony to perform an abortion. States it is not a criminal act when:

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 under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner

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 HUMAN SPERM PENETRATES THE ZONA PELLUCIDA OF A FEMALE HUMAN  
2 OVUM.

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

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

12 **18-6-902. Abortion prohibition.** (1) A PERSON SHALL NOT  
13 KNOWINGLY ADMINISTER TO, PRESCRIBE FOR, PROCURE FOR, OR SELL TO  
14 A PREGNANT MOTHER ANY MEDICINE, DRUG, OR OTHER SUBSTANCE WITH  
15 THE SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION OF THE  
16 LIFE OF AN UNBORN HUMAN BEING. A PERSON SHALL NOT KNOWINGLY USE  
17 OR EMPLOY ANY INSTRUMENT OR PROCEDURE UPON A PREGNANT MOTHER  
18 WITH THE SPECIFIC INTENT OF CAUSING OR ABETTING THE TERMINATION  
19 OF THE LIFE OF AN UNBORN HUMAN BEING.

20 (2) A VIOLATION OF THIS SECTION IS A CLASS 3 FELONY.

21 (3) (a) A LICENSED PHYSICIAN WHO PERFORMS A MEDICAL  
22 PROCEDURE DESIGNED OR INTENDED TO PREVENT THE DEATH OF A  
23 PREGNANT MOTHER SHALL NOT BE GUILTY OF VIOLATING THIS SECTION IF  
24 THE PHYSICIAN MAKES REASONABLE MEDICAL EFFORTS TO PRESERVE BOTH  
25 THE LIFE OF THE MOTHER AND THE LIFE OF HER UNBORN CHILD IN A  
26 MANNER CONSISTENT WITH CONVENTIONAL MEDICAL PRACTICE.

27 (b) A LICENSED PHYSICIAN WHO PROVIDES MEDICAL TREATMENT

1 TO A PREGNANT MOTHER THAT RESULTS IN THE ACCIDENTAL OR  
2 UNINTENTIONAL INJURY TO OR DEATH OF HER UNBORN CHILD SHALL NOT  
3 BE GUILTY OF VIOLATING THIS SECTION.

4 (c) A PREGNANT MOTHER UPON WHOM AN ABORTION IS  
5 PERFORMED OR ATTEMPTED SHALL NOT BE GUILTY OF VIOLATING THIS  
6 SECTION.

7 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT  
8 THE SALE, USE, PRESCRIPTION, OR ADMINISTRATION OF A CONTRACEPTIVE  
9 MEASURE, DEVICE, DRUG, OR CHEMICAL, IF IT IS ADMINISTERED PRIOR TO  
10 THE TIME WHEN A PREGNANCY COULD BE DETERMINED THROUGH  
11 CONVENTIONAL MEDICAL TESTING AND IF THE CONTRACEPTIVE MEASURE,  
12 DEVICE, DRUG, OR CHEMICAL IS SOLD, USED, PRESCRIBED, OR  
13 ADMINISTERED IN ACCORDANCE WITH MANUFACTURER INSTRUCTIONS.

14 **SECTION 3.** 18-3.5-101 (1), Colorado Revised Statutes, is  
15 amended to read:

16 **18-3.5-101. Unlawful termination of pregnancy.** (1) A person  
17 commits the offense of unlawful termination of a pregnancy if, with intent  
18 to terminate unlawfully the pregnancy of another person, the person  
19 unlawfully terminates the other person's pregnancy IN A MANNER OTHER  
20 THAN DESCRIBED IN SECTION 18-6-902 (1).

21 **SECTION 4.** 12-36-117 (1), Colorado Revised Statutes, is  
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **12-36-117. Unprofessional conduct.** (1) "Unprofessional  
24 conduct" as used in this article means:

25 (kk) A CONVICTION FOR VIOLATING SECTION 18-6-902, C.R.S.,  
26 REGARDING THE PROHIBITION OF ABORTIONS.

27 **SECTION 5.** Part 1 of article 1 of title 17, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
2 read:

3 **17-1-163. Appropriation to comply with section 2-2-703 - SB**  
4 **07-####.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING  
5 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE  
6 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT S.B. 07-\_\_\_\_, ENACTED  
7 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY:

8 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION  
9 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM  
10 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
11 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
12 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

13 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN  
14 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
15 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN  
16 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE  
17 FUND CREATED IN SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

18 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION  
19 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
20 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
21 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

22 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION  
23 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
24 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
25 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
26 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

27 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION

1 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
2 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
3 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

4 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN  
5 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
6 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN  
7 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE  
8 FUND CREATED IN SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

9 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION  
10 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
11 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
12 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

13 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION  
14 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
15 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
16 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
17 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

18 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION  
19 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
20 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
21 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

22 **SECTION 6.** The introductory portion to 24-75-302 (2) and  
23 24-75-302 (2) (t), (2) (u), (2) (v), and (2) (w), Colorado Revised Statutes,  
24 are amended, and the said 24-75-302 (2) is further amended BY THE  
25 ADDITION OF A NEW PARAGRAPH, to read:

26 **24-75-302. Capital construction fund - capital assessment fees**  
27 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter

1 through July 1, ~~2010~~ 2011, a sum as specified in this subsection (2) shall  
2 accrue to the capital construction fund. The state treasurer and the  
3 controller shall transfer such sum out of the general fund and into the  
4 capital construction fund as moneys become available in the general fund  
5 during the fiscal year beginning on said July 1. Transfers between funds  
6 pursuant to this subsection (2) shall not be deemed to be appropriations  
7 subject to the limitations of section 24-75-201.1. The amount which shall  
8 accrue pursuant to this subsection (2) shall be as follows:

9 (t) On July 1, 2007, four hundred sixteen thousand eight hundred  
10 two dollars pursuant to H.B. 03-1004, enacted at the first regular session  
11 of the sixty-fourth general assembly; plus fifty-five thousand five hundred  
12 seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular  
13 session of the sixty-fourth general assembly; plus thirteen thousand eight  
14 hundred ninety-three dollars pursuant to H.B. 04-1021, enacted at the  
15 second regular session of the sixty-fourth general assembly; plus  
16 twenty-two million eight hundred eighty-five thousand three hundred  
17 eighty-six dollars pursuant to H.B. 06-1373, enacted at the second regular  
18 session of the sixty-fifth general assembly; plus two hundred nine  
19 thousand two hundred sixty-six dollars pursuant to S.B. 06-206, enacted  
20 at the second regular session of the sixty-fifth general assembly; plus two  
21 hundred nine thousand two hundred sixty-six dollars pursuant to S.B.  
22 06-207, enacted at the second regular session of the sixty-fifth general  
23 assembly; plus six hundred ten thousand three hundred fifty-eight dollars  
24 pursuant to H.B. 06-1326, enacted at the second regular session of the  
25 sixty-fifth general assembly; plus sixty-nine thousand seven hundred  
26 fifty-five dollars pursuant to H.B. 06-1151, enacted at the second regular  
27 session of the sixty-fifth general assembly; plus five hundred twenty-three

1 thousand one hundred sixty-four dollars pursuant to H.B. 06-1011,  
2 enacted at the second regular session of the sixty-fifth general assembly;  
3 plus seventeen thousand four hundred thirty-nine dollars pursuant to S.B.  
4 06S-005, enacted at the first extraordinary session of the sixty-fifth  
5 general assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO S.B. 07-\_\_\_\_,  
6 ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL  
7 ASSEMBLY;

8 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven  
9 dollars pursuant to H.B. 04-1021, enacted at the second regular session  
10 of the sixty-fourth general assembly; plus three hundred ninety-two  
11 thousand three hundred seventy-three dollars pursuant to S.B. 06-206,  
12 enacted at the second regular session of the sixty-fifth general assembly;  
13 plus three hundred ninety-two thousand three hundred seventy-three  
14 dollars pursuant to S.B. 06-207, enacted at the second regular session of  
15 the sixty-fifth general assembly; plus four hundred sixty-two thousand  
16 one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the  
17 second regular session of the sixty-fifth general assembly; plus twenty-six  
18 thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145,  
19 enacted at the second regular session of the sixty-fifth general assembly;  
20 plus five hundred twenty-three thousand one hundred sixty-four dollars  
21 pursuant to H.B. 06-1011, enacted at the second regular session of the  
22 sixty-fifth general assembly; plus sixty-nine thousand seven hundred  
23 fifty-five dollars pursuant to S.B. 06S-004, enacted at the first  
24 extraordinary session of the sixty-fifth general assembly; PLUS \_\_\_\_\_  
25 DOLLARS PURSUANT TO S.B. 07-\_\_\_\_, ENACTED AT THE FIRST REGULAR  
26 SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

27 (v) On July 1, 2009, five hundred twenty-three thousand one



1 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second  
2 regular session of the sixty-fifth general assembly; plus five hundred  
3 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.  
4 06-207, enacted at the second regular session of the sixty-fifth general  
5 assembly; plus forty-three thousand five hundred ninety-seven dollars  
6 pursuant to H.B. 06-1145, enacted at the second regular session of the  
7 sixty-fifth general assembly; plus five hundred twenty-three thousand one  
8 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the  
9 second regular session of the sixty-fifth general assembly; PLUS \_\_\_\_\_  
10 DOLLARS PURSUANT TO S.B. 07-\_\_\_\_, ENACTED AT THE FIRST REGULAR  
11 SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

12 (w) On July 1, 2010, five hundred twenty-three thousand one  
13 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second  
14 regular session of the sixty-fifth general assembly; plus five hundred  
15 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.  
16 06-207, enacted at the second regular session of the sixty-fifth general  
17 assembly; plus forty-three thousand five hundred ninety-seven dollars  
18 pursuant to H.B. 06-1145, enacted at the second regular session of the  
19 sixty-fifth general assembly; plus five hundred twenty-three thousand one  
20 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the  
21 second regular session of the sixty-fifth general assembly; plus sixty-nine  
22 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,  
23 enacted at the first extraordinary session of the sixty-fifth general  
24 assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO S.B. 07-\_\_\_\_, ENACTED  
25 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

26 (x) ON JULY 1, 2011, \_\_\_\_\_ DOLLARS PURSUANT TO S.B. 07-\_\_\_\_,  
27 ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL

1 ASSEMBLY.

2           **SECTION 7. Effective date - applicability.** This act shall take  
3 effect July 1, 2007, and shall apply to offenses committed on or after said  
4 date.

5           **SECTION 8. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.