

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 07-0390.01 Michael Dohr

SENATE BILL 07-143

SENATE SPONSORSHIP

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A BILL FOR AN ACT

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

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.