A BILL FOR AN ACT

CONCERNING VIOLENT ACTS THAT HARM UNBORN CHILDREN, AND

MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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 creates a new statutory part that addresses violent acts against an unborn child and includes the following crimes:

- Murder of an unborn child; and
- Voluntary manslaughter of an unborn child.

An unborn child is defined as 16 weeks or older. The bill describes acts...
that do not constitute crimes under the new part.

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

SECTION 1. Article 3 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 5

UNBORN VICTIMS OF VIOLENT ACTS

18-3-501. Acts not an offense. (1) This part 5 shall not apply to:

(a) Acts that cause the death of an unborn child if those acts are committed during a legal abortion to which the pregnant woman, or a person authorized by law to act on her behalf, consented or for which such consent is implied by law;

(b) Acts committed by a pregnant woman with respect to her own unborn child;

(c) Acts that are committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment; or

(d) Acts involving the use of force in lawful self-defense or lawful defense of another.

18-3-502. Definitions. As used in this part 5, unless the context otherwise requires, "unborn child" means a child whose stage of development has reached or surpassed sixteen weeks in utero.

18-3-503. Murder of an unborn child. (1) A person who causes the death of an unborn child, without lawful justification, is guilty of murder of an unborn child if he or she:
(a) intends to cause the death of or serious bodily harm to another person or knows that his or her acts will cause the death of or serious bodily harm to another person;

(b) knows that his or her acts create a strong probability of causing the death of or serious bodily harm to another person;

(c) attempts or commits a felony; or

(d) perpetrates an act imminently dangerous to another person and evinces a depraved mind, without regard for human life.

(2) murder of an unborn child is a class 1 felony.

18-3-504. Voluntary manslaughter of an unborn child. (1) A person who causes the death of an unborn child, without lawful justification, is guilty of voluntary manslaughter of an unborn child if he or she:

(a) intends to cause the death of another person where the act causing the death was performed upon a sudden heat of passion caused by a serious and highly provoking act of the intended victim, affecting the defendant sufficiently to excite an irresistible passion in a reasonable person;

(b) commits or attempts to commit a misdemeanor offense with such force that the death of or serious bodily harm to another person was reasonably foreseeable; or

(c) intends to cause the death of an unborn child because he or she is coerced by threats made by someone other than his or her co-conspirator that cause him or her to reasonably believe that his or her act is the only means of preventing
IMMINENT DEATH TO HIMSELF OR HERSELF OR ANOTHER.

(2) VOLUNTARY MANSLAUGHTER OF AN UNBORN CHILD IS A CLASS 3 FELONY.

18-3-505. Other prosecutions not barred. A PROSECUTION FOR OR CONVICTION UNDER THIS PART 5 IS NOT A BAR TO CONVICTION OF OR PUNISHMENT FOR ANY OTHER CRIME COMMITTED BY THE PERSON AS PART OF THE SAME CONDUCT.

SECTION 2. Article 18 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-18-105. Appropriation to comply with section 2-2-703 - HB 10-#### - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 10-___, ENACTED IN 2010:

(a) For the fiscal year beginning July 1, 2010, in addition to any other appropriation, there is hereby appropriated from the capital construction fund created in section 24-75-302, C.R.S., to the corrections expansion reserve fund created in section 17-1-116, the sum of _______ dollars ($  ).

(b) (I) For the fiscal year beginning July 1, 2011, in addition to any other appropriation, there is hereby appropriated, from the capital construction fund created in section 24-75-302, C.R.S., to the corrections expansion reserve fund created in section 17-1-116, the sum of _______ dollars ($  ).

(II) For the fiscal year beginning July 1, 2011, in addition to any other appropriation, there is hereby appropriated to the department, out of any moneys in the general fund not
(c) (I) For the fiscal year beginning July 1, 2012, in addition to any other appropriation, there is hereby appropriated, from the Capital Construction Fund created in Section 24-75-302, C.R.S., to the Corrections Expansion Reserve Fund created in Section 17-1-116, the sum of ______ dollars ($    ).

(II) For the fiscal year beginning July 1, 2012, in addition to any other appropriation, there is hereby appropriated to the Department, out of any moneys in the General Fund not otherwise appropriated, the sum of _____ dollars ($    ).

(d) (I) For the fiscal year beginning July 1, 2013, in addition to any other appropriation, there is hereby appropriated, from the Capital Construction Fund created in Section 24-75-302, C.R.S., to the Corrections Expansion Reserve Fund created in Section 17-1-116, the sum of ______ dollars ($    ).

(II) For the fiscal year beginning July 1, 2013, in addition to any other appropriation, there is hereby appropriated to the Department, out of any moneys in the General Fund not otherwise appropriated, the sum of _____ dollars ($    ).

(e) (I) For the fiscal year beginning July 1, 2014, in addition to any other appropriation, there is hereby appropriated, from the Capital Construction Fund created in Section 24-75-302, C.R.S., to the Corrections Expansion Reserve Fund created in Section 17-1-116, the sum of ______ dollars ($    ).

(II) For the fiscal year beginning July 1, 2014, in addition to any other appropriation, there is hereby appropriated to the Department, out of any moneys in the General Fund not otherwise appropriated, the sum of _____ dollars ($    ).
OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS ($ ).

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 3. The introductory portion to 24-75-302 (2) and
24-75-302 (2) (w), (2) (x), and (2) (y), Colorado Revised Statutes, are
amended, and the said 24-75-302 (2) is further amended BY THE
ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

24-75-302. Capital construction fund - capital assessment fees
- calculation. (2) As of July 1, 1988, and July 1 of each year thereafter
through July 1, 2014, a sum as specified in this subsection (2) shall
accrue to the capital construction fund. The state treasurer and the
controller shall transfer such sum out of the general fund and into the
capital construction fund as moneys become available in the general fund
during the fiscal year beginning on said July 1. Transfers between funds
pursuant to this subsection (2) shall not be deemed to be appropriations
subject to the limitations of section 24-75-201.1. The amount that shall
accrue pursuant to this subsection (2) shall be as follows:

(w) On July 1, 2010, five hundred twenty-three thousand one
hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
regular session of the sixty-fifth general assembly; plus five hundred
twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
06-207, enacted at the second regular session of the sixty-fifth general
assembly; plus forty-three thousand five hundred ninety-seven dollars
pursuant to H.B. 06-1145, enacted at the second regular session of the
sixty-fifth general assembly; plus five hundred twenty-three thousand one
hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
second regular session of the sixty-fifth general assembly; plus sixty-nine
thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,
enacted at the first extraordinary session of the sixty-fifth general assembly; plus seven hundred fifty thousand nine hundred ninety dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus one hundred twelve thousand six hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular session of the sixty-sixth general assembly; plus one hundred thirty-seven thousand six hundred eighty-two dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; PLUS ______ DOLLARS PURSUANT TO H.B. 10-____, ENACTED IN 2010;

   (x) On July 1, 2011, seven hundred fifty thousand nine hundred ninety dollars pursuant to S.B. 07-096, enacted at the first regular session of the sixty-sixth general assembly; plus three hundred seventy-five thousand four hundred ninety-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; PLUS ______ DOLLARS PURSUANT TO H.B. 10-____, ENACTED IN 2010;

   (y) On July 1, 2012, one hundred twelve thousand six hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular session of the sixty-sixth general assembly; plus three hundred seventy-five thousand four hundred ninety-five dollars pursuant to S.B. 08-239, enacted at the second regular session of the sixty-sixth general assembly; PLUS ______ DOLLARS PURSUANT TO H.B. 10-____, ENACTED IN 2010;

   (z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO H.B. 10-____, ENACTED IN 2010;

   (aa) ON JULY 1, 2014, ______ DOLLARS PURSUANT TO H.B. 10-____, ENACTED IN 2010.
SECTION 4. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.