

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0578.01 Michael Dohr

HOUSE BILL 11-1256

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**HOUSE SPONSORSHIP**

**Waller and Bradford,** Balmer, Joshi, Priola, Summers, Barker, DelGrosso, Gardner B., Murray, Nikkel, Stephens

**SENATE SPONSORSHIP**

**Steadman,** Boyd, King S.

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CRIMES AGAINST AN UNBORN CHILD, 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 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 article for offenses against pregnant women and their unborn children. The new offenses are unlawful termination of a pregnancy in the first degree, unlawful termination of a pregnancy in the second degree, unlawful termination of a pregnancy in the third degree, unlawful termination of a pregnancy in the fourth degree, vehicular

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.*

unlawful termination of a pregnancy, and aggravated vehicular unlawful termination of a pregnancy. The bill excludes from prosecution medical care for which the mother provided consent. The bill does not confer the status of "person" upon a human embryo, fetus, or unborn child at any stage of development prior to live birth. The bill makes a 5-year appropriation.

The bill repeals the criminal abortion statutes.

The bill makes conforming amendments.

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

2 **SECTION 1.** Article 3.5 of title 18, Colorado Revised Statutes,  
3 is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 **ARTICLE 3.5**

5 **Offenses Against Pregnant Women and Their Unborn Children**

6 **18-3.5-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "AFTER DELIBERATION" SHALL HAVE THE SAME MEANING AS  
9 PROVIDED IN SECTION 18-3-101.

10 (2) "CONSENT" SHALL HAVE THE SAME MEANING AS PROVIDED IN  
11 SECTION 18-1-505.

12 (3) "DRIVING UNDER THE INFLUENCE" MEANS DRIVING A VEHICLE  
13 WHEN A PERSON HAS CONSUMED ALCOHOL OR ONE OR MORE DRUGS, OR A  
14 COMBINATION OF ALCOHOL AND ONE OR MORE DRUGS, WHICH ALCOHOL  
15 ALONE, OR ONE OR MORE DRUGS ALONE, OR ALCOHOL COMBINED WITH  
16 ONE OR MORE DRUGS AFFECT SUCH PERSON TO A DEGREE THAT SUCH  
17 PERSON IS SUBSTANTIALLY INCAPABLE, EITHER MENTALLY OR  
18 PHYSICALLY, OR BOTH MENTALLY AND PHYSICALLY, OF EXERCISING CLEAR  
19 JUDGMENT, SUFFICIENT PHYSICAL CONTROL, OR DUE CARE IN THE SAFE  
20 OPERATION OF A VEHICLE.

21 (4) "PREGNANCY", FOR PURPOSES OF THIS ARTICLE AND

1 NOTWITHSTANDING ANY OTHER DEFINITION OR USE TO THE CONTRARY,  
2 MEANS THE PRESENCE OF AN IMPLANTED HUMAN EMBRYO OR FETUS  
3 WITHIN THE UTERUS OF A WOMAN.

4 (5) "UNLAWFUL TERMINATION OF PREGNANCY" MEANS THE  
5 TERMINATION OF A PREGNANCY BY ANY MEANS OTHER THAN BIRTH OR A  
6 MEDICAL PROCEDURE, INSTRUMENT, AGENT, OR DRUG, FOR WHICH THE  
7 CONSENT OF THE PREGNANT WOMAN, OR A PERSON AUTHORIZED BY LAW  
8 TO ACT ON HER BEHALF, HAS BEEN OBTAINED, OR FOR WHICH THE  
9 PREGNANT WOMAN'S CONSENT IS IMPLIED BY LAW.

10 **18-3.5-102. Exclusions.** (1) NOTHING IN THIS ARTICLE SHALL  
11 PERMIT THE PROSECUTION OF A PERSON FOR ANY ACT OF: PROVIDING  
12 MEDICAL, OSTEOPATHIC, SURGICAL, MENTAL HEALTH, DENTAL, NURSING,  
13 OPTOMETRIC, OR PHARMACEUTICAL CARE; FURNISHING INPATIENT OR  
14 OUTPATIENT HOSPITAL OR CLINIC SERVICES; FURNISHING TELEMEDICINE  
15 SERVICES; OR FURNISHING ANY SERVICE RELATED TO ASSISTED  
16 REPRODUCTION OR GENETIC TESTING.

17 (2) NOTHING IN THIS ARTICLE SHALL PERMIT THE PROSECUTION OF  
18 A WOMAN FOR ANY ACT OR ANY FAILURE TO ACT WITH REGARD TO HER  
19 OWN PREGNANCY.

20 **18-3.5-103. Unlawful termination of pregnancy in the first**  
21 **degree.** (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL  
22 TERMINATION OF PREGNANCY IN THE FIRST DEGREE IF, AFTER  
23 DELIBERATION AND WITH THE INTENT TO TERMINATE UNLAWFULLY THE  
24 PREGNANCY OF ANOTHER PERSON, THE PERSON UNLAWFULLY TERMINATES  
25 THE OTHER PERSON'S PREGNANCY.

26 (2) UNLAWFUL TERMINATION OF PREGNANCY IN THE FIRST DEGREE  
27 IS A CLASS 2 FELONY.

1           **18-3.5-104. Unlawful termination of pregnancy in the second**  
2 **degree.** (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL  
3 TERMINATION OF PREGNANCY IN THE SECOND DEGREE IF, WITH INTENT TO  
4 TERMINATE UNLAWFULLY THE PREGNANCY OF ANOTHER PERSON, THE  
5 PERSON UNLAWFULLY TERMINATES THE OTHER PERSON'S PREGNANCY.

6           (2) UNLAWFUL TERMINATION OF PREGNANCY IN THE SECOND  
7 DEGREE IS A CLASS 3 FELONY.

8           **18-3.5-105. Unlawful termination of pregnancy in the third**  
9 **degree.** (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL  
10 TERMINATION OF PREGNANCY IN THE THIRD DEGREE IF THE PERSON  
11 RECKLESSLY CAUSES THE UNLAWFUL TERMINATION OF THE PREGNANCY  
12 OF ANOTHER PERSON AT SUCH TIME AS THE PERSON KNEW OR REASONABLY  
13 SHOULD HAVE KNOWN THAT THE OTHER PERSON WAS PREGNANT.

14           (2) UNLAWFUL TERMINATION OF PREGNANCY IN THE THIRD  
15 DEGREE IS A CLASS 4 FELONY.

16           **18-3.5-106. Unlawful termination of pregnancy in the fourth**  
17 **degree.** (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL  
18 TERMINATION OF PREGNANCY IN THE FOURTH DEGREE IF THE PERSON  
19 RECKLESSLY CAUSES THE UNLAWFUL TERMINATION OF THE PREGNANCY  
20 OF ANOTHER PERSON.

21           (2) UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH  
22 DEGREE IS A CLASS 1 MISDEMEANOR.

23           **18-3.5-107. Vehicular unlawful termination of pregnancy.**  
24 (1) IF A PERSON OPERATES OR DRIVES A MOTOR VEHICLE IN A RECKLESS  
25 MANNER, AND THIS CONDUCT IS THE PROXIMATE CAUSE OF THE UNLAWFUL  
26 TERMINATION OF THE PREGNANCY OF ANOTHER PERSON, SUCH PERSON  
27 COMMITS VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY.

1           (2) VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY IN  
2 VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 4 FELONY.

3           **18-3.5-108. Aggravated vehicular unlawful termination of**  
4 **pregnancy.** (1) (a) IF A PERSON OPERATES OR DRIVES A MOTOR VEHICLE  
5 WHILE UNDER THE INFLUENCE OF ALCOHOL OR ONE OR MORE DRUGS, OR  
6 A COMBINATION OF BOTH ALCOHOL AND ONE OR MORE DRUGS, AND THIS  
7 CONDUCT IS THE PROXIMATE CAUSE OF THE UNLAWFUL TERMINATION OF  
8 THE PREGNANCY OF ANOTHER PERSON, SUCH PERSON COMMITS  
9 AGGRAVATED VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY. THIS  
10 IS A STRICT LIABILITY CRIME.

11           (b) FOR THE PURPOSES OF THIS SUBSECTION (1), ONE OR MORE  
12 DRUGS SHALL MEAN ALL SUBSTANCES DEFINED AS A DRUG IN SECTION  
13 12-22-303 (13), C.R.S., AND ALL CONTROLLED SUBSTANCES DEFINED IN  
14 SECTION 18-18-102 (5), AND GLUE-SNIFFING, AEROSOL INHALATION, OR  
15 THE INHALATION OF ANY OTHER TOXIC VAPOR OR VAPORS AS DEFINED IN  
16 SECTION 18-18-412.

17           (c) THE FACT THAT A PERSON CHARGED WITH A VIOLATION OF THIS  
18 SUBSECTION (1) IS OR HAS BEEN ENTITLED TO USE ONE OR MORE DRUGS  
19 UNDER THE LAWS OF THIS STATE SHALL NOT CONSTITUTE A DEFENSE  
20 AGAINST ANY CHARGE OF VIOLATING THIS SUBSECTION (1).

21           (2) AGGRAVATED VEHICULAR UNLAWFUL TERMINATION OF  
22 PREGNANCY, IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS  
23 SECTION, IS A CLASS 3 FELONY.

24           (3) IN ANY PROSECUTION FOR A VIOLATION OF SUBSECTION (1) OF  
25 THIS SECTION, THE AMOUNT OF ALCOHOL IN THE DEFENDANT'S BLOOD OR  
26 BREATH AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE OR  
27 WITHIN A REASONABLE TIME THEREAFTER, AS SHOWN BY ANALYSIS OF THE

1 DEFENDANT'S BLOOD OR BREATH, SHALL GIVE RISE TO THE FOLLOWING  
2 PRESUMPTIONS:

3 (a) IF THERE WAS AT SUCH TIME 0.05 OR LESS GRAMS OF ALCOHOL  
4 PER ONE HUNDRED MILLILITERS OF BLOOD, OR IF THERE WAS AT SUCH TIME  
5 0.05 OR LESS GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF  
6 BREATH, IT SHALL BE PRESUMED THAT THE DEFENDANT WAS NOT UNDER  
7 THE INFLUENCE OF ALCOHOL.

8 (b) IF THERE WAS AT SUCH TIME IN EXCESS OF 0.05 GRAMS BUT  
9 LESS THAN 0.08 GRAMS OF ALCOHOL PER ONE HUNDRED MILLILITERS OF  
10 BLOOD, OR IF THERE WAS AT SUCH TIME IN EXCESS OF 0.05 GRAMS BUT  
11 LESS THAN 0.08 GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF  
12 BREATH, SUCH FACT MAY BE CONSIDERED WITH OTHER COMPETENT  
13 EVIDENCE IN DETERMINING WHETHER OR NOT THE DEFENDANT WAS UNDER  
14 THE INFLUENCE OF ALCOHOL.

15 (c) IF THERE WAS AT SUCH TIME 0.08 OR MORE GRAMS OF ALCOHOL  
16 PER ONE HUNDRED MILLILITERS OF BLOOD, OR IF THERE WAS AT SUCH TIME  
17 0.08 OR MORE GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF  
18 BREATH, IT SHALL BE PRESUMED THAT THE DEFENDANT WAS UNDER THE  
19 INFLUENCE OF ALCOHOL.

20 (4) THE LIMITATIONS OF SUBSECTION (3) OF THIS SECTION SHALL  
21 NOT BE CONSTRUED AS LIMITING THE INTRODUCTION, RECEPTION, OR  
22 CONSIDERATION OF ANY OTHER COMPETENT EVIDENCE BEARING UPON THE  
23 QUESTION OF WHETHER OR NOT THE DEFENDANT WAS UNDER THE  
24 INFLUENCE OF ALCOHOL.

25 (5) (a) IF A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO  
26 BELIEVE THAT A PERSON WAS DRIVING A MOTOR VEHICLE IN VIOLATION OF  
27 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE PERSON, UPON

1 THE REQUEST OF THE LAW ENFORCEMENT OFFICER, SHALL TAKE AND  
2 COMPLETE, AND COOPERATE IN COMPLETING, ANY TEST OR TESTS OF THE  
3 PERSON'S BLOOD, BREATH, SALIVA, OR URINE FOR THE PURPOSE OF  
4 DETERMINING THE ALCOHOL OR DRUG CONTENT WITHIN HIS OR HER  
5 SYSTEM. THE TYPE OF TEST OR TESTS SHALL BE DETERMINED BY THE LAW  
6 ENFORCEMENT OFFICER REQUIRING THE TEST OR TESTS. IF THE PERSON  
7 REFUSES TO TAKE, COMPLETE, OR COOPERATE IN COMPLETING ANY TEST  
8 OR TESTS, THE TEST OR TESTS MAY BE PERFORMED AT THE DIRECTION OF  
9 A LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE, WITHOUT THE  
10 PERSON'S AUTHORIZATION OR CONSENT. IF A PERSON REFUSES TO TAKE,  
11 COMPLETE, OR COOPERATE IN TAKING OR COMPLETING ANY TEST OR TESTS  
12 REQUIRED BY THIS PARAGRAPH (a), THE PERSON SHALL BE SUBJECT TO  
13 LICENSE REVOCATION PURSUANT TO THE PROVISIONS OF SECTION 42-2-126  
14 (3), C.R.S. WHEN THE TEST OR TESTS SHOW THAT THE AMOUNT OF  
15 ALCOHOL IN A PERSON'S BLOOD WAS IN VIOLATION OF THE LIMITS  
16 PROVIDED FOR IN SECTION 42-2-126 (3) (a), (3) (b), (3) (d), OR (3) (e),  
17 C.R.S., THE PERSON SHALL BE SUBJECT TO LICENSE REVOCATION  
18 PURSUANT TO THE PROVISIONS OF SECTION 42-2-126, C.R.S.

19 (b) ANY PERSON WHO IS REQUIRED TO SUBMIT TO TESTING SHALL  
20 COOPERATE WITH THE PERSON AUTHORIZED TO OBTAIN SPECIMENS OF HIS  
21 OR HER BLOOD, BREATH, SALIVA, OR URINE, INCLUDING THE SIGNING OF  
22 ANY RELEASE OR CONSENT FORMS REQUIRED BY ANY PERSON, HOSPITAL,  
23 CLINIC, OR ASSOCIATION AUTHORIZED TO OBTAIN SUCH SPECIMENS. IF  
24 SUCH PERSON DOES NOT COOPERATE WITH THE PERSON, HOSPITAL, CLINIC,  
25 OR ASSOCIATION AUTHORIZED TO OBTAIN SUCH SPECIMENS, INCLUDING  
26 THE SIGNING OF ANY RELEASE OR CONSENT FORMS, SUCH  
27 NONCOOPERATION SHALL BE CONSIDERED A REFUSAL TO SUBMIT TO

1 TESTING.

2 (c) THE TESTS SHALL BE ADMINISTERED AT THE DIRECTION OF A  
3 LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE TO BELIEVE THAT  
4 THE PERSON COMMITTED A VIOLATION OF PARAGRAPH (a) OF SUBSECTION  
5 (1) OF THIS SECTION AND IN ACCORDANCE WITH RULES AND REGULATIONS  
6 PRESCRIBED BY THE STATE BOARD OF HEALTH CONCERNING THE HEALTH  
7 OF THE PERSON BEING TESTED AND THE ACCURACY OF THE TESTING.  
8 STRICT COMPLIANCE WITH THE RULES AND REGULATIONS SHALL NOT BE  
9 A PREREQUISITE TO THE ADMISSIBILITY OF TEST RESULTS AT TRIAL UNLESS  
10 THE COURT FINDS THAT THE EXTENT OF NONCOMPLIANCE WITH A BOARD  
11 OF HEALTH RULE HAS SO IMPAIRED THE VALIDITY AND RELIABILITY OF THE  
12 TESTING METHOD AND THE TEST RESULTS AS TO RENDER THE EVIDENCE  
13 INADMISSIBLE. IN ALL OTHER CIRCUMSTANCES, FAILURE TO STRICTLY  
14 COMPLY WITH SUCH RULES AND REGULATIONS SHALL ONLY BE  
15 CONSIDERED IN THE WEIGHT TO BE GIVEN TO THE TEST RESULTS AND NOT  
16 TO THE ADMISSIBILITY OF THE TEST RESULTS. IT SHALL NOT BE A  
17 PREREQUISITE TO THE ADMISSIBILITY OF TEST RESULTS AT TRIAL THAT THE  
18 PROSECUTION PRESENT TESTIMONY CONCERNING THE COMPOSITION OF  
19 ANY KIT USED TO OBTAIN BLOOD, URINE, SALIVA, OR BREATH SPECIMENS.  
20 A SUFFICIENT EVIDENTIARY FOUNDATION CONCERNING THE COMPLIANCE  
21 OF SUCH KITS WITH THE RULES AND REGULATIONS OF THE DEPARTMENT OF  
22 PUBLIC HEALTH AND ENVIRONMENT SHALL BE ESTABLISHED BY THE  
23 INTRODUCTION OF A COPY OF THE MANUFACTURER'S OR SUPPLIER'S  
24 CERTIFICATE OF COMPLIANCE WITH THE RULES AND REGULATIONS IF THE  
25 CERTIFICATE SPECIFIES THE CONTENTS, STERILITY, CHEMICAL MAKEUP,  
26 AND AMOUNTS OF CHEMICALS CONTAINED IN SUCH KIT.

27 (d) NO PERSON EXCEPT A PHYSICIAN, A REGISTERED NURSE, A



1 PARAMEDIC AS CERTIFIED IN PART 2 OF ARTICLE 3.5 OF TITLE 25, C.R.S.,  
2 AN EMERGENCY MEDICAL TECHNICIAN AS DEFINED IN PART 1 OF ARTICLE  
3 3.5 OF TITLE 25, C.R.S., OR A PERSON WHOSE NORMAL DUTIES INCLUDE  
4 WITHDRAWING BLOOD SAMPLES UNDER THE SUPERVISION OF A PHYSICIAN  
5 OR REGISTERED NURSE SHALL BE ENTITLED TO WITHDRAW BLOOD FOR THE  
6 PURPOSE OF DETERMINING THE ALCOHOL OR DRUG CONTENT THEREIN. IN  
7 ANY TRIAL FOR A VIOLATION OF PARAGRAPH (b) OF SUBSECTION (1) OF  
8 THIS SECTION, TESTIMONY OF A LAW ENFORCEMENT OFFICER THAT HE OR  
9 SHE WITNESSED THE TAKING OF A BLOOD SPECIMEN BY A PERSON WHO HE  
10 OR SHE REASONABLY BELIEVED WAS AUTHORIZED TO WITHDRAW BLOOD  
11 SPECIMENS SHALL BE SUFFICIENT EVIDENCE THAT THE PERSON WAS SO  
12 AUTHORIZED, AND TESTIMONY FROM THE PERSON WHO OBTAINED THE  
13 BLOOD SPECIMENS CONCERNING THE PERSON'S AUTHORIZATION TO OBTAIN  
14 BLOOD SPECIMENS SHALL NOT BE A PREREQUISITE TO THE ADMISSIBILITY  
15 OF TEST RESULTS CONCERNING THE BLOOD SPECIMENS OBTAINED. NO  
16 CIVIL LIABILITY SHALL ATTACH TO ANY PERSON AUTHORIZED TO OBTAIN  
17 BLOOD, BREATH, SALIVA, OR URINE SPECIMENS OR TO ANY HOSPITAL,  
18 CLINIC, OR ASSOCIATION IN OR FOR WHICH SUCH SPECIMENS ARE OBTAINED  
19 PURSUANT TO THIS SUBSECTION (4) AS A RESULT OF THE ACT OF OBTAINING  
20 SUCH SPECIMENS FROM ANY PERSON IF SUCH SPECIMENS WERE OBTAINED  
21 ACCORDING TO THE RULES AND REGULATIONS PRESCRIBED BY THE STATE  
22 BOARD OF HEALTH; EXCEPT THAT THIS SUBSECTION (4) SHALL NOT  
23 RELIEVE ANY SUCH PERSON FROM LIABILITY FOR NEGLIGENCE IN THE  
24 OBTAINING OF ANY SPECIMEN SAMPLE.

25 (e) ANY PERSON WHO IS DEAD OR UNCONSCIOUS SHALL BE TESTED  
26 TO DETERMINE THE ALCOHOL OR DRUG CONTENT OF HIS OR HER BLOOD OR  
27 ANY DRUG CONTENT OF HIS OR HER SYSTEM AS PROVIDED IN THIS

1 SUBSECTION (4). IF A TEST CANNOT BE ADMINISTERED TO A PERSON WHO  
2 IS UNCONSCIOUS, HOSPITALIZED, OR UNDERGOING MEDICAL TREATMENT  
3 BECAUSE THE TEST WOULD ENDANGER THE PERSON'S LIFE OR HEALTH, THE  
4 LAW ENFORCEMENT AGENCY SHALL BE ALLOWED TO TEST ANY BLOOD,  
5 URINE, OR SALIVA THAT WAS OBTAINED AND NOT UTILIZED BY A HEALTH  
6 CARE PROVIDER AND SHALL HAVE ACCESS TO THAT PORTION OF THE  
7 ANALYSIS AND RESULTS OF ANY TESTS ADMINISTERED BY THE PROVIDER  
8 THAT SHOW THE ALCOHOL OR DRUG CONTENT OF THE PERSON'S BLOOD OR  
9 ANY DRUG CONTENT WITHIN HIS OR HER SYSTEM. SUCH TEST RESULTS  
10 SHALL NOT BE CONSIDERED PRIVILEGED COMMUNICATIONS, AND THE  
11 PROVISIONS OF SECTION 13-90-107, C.R.S., RELATING TO THE  
12 PHYSICIAN-PATIENT PRIVILEGE SHALL NOT APPLY. ANY PERSON WHO IS  
13 DEAD, IN ADDITION TO THE TESTS PRESCRIBED, SHALL ALSO HAVE HIS OR  
14 HER BLOOD CHECKED FOR CARBON MONOXIDE CONTENT AND FOR THE  
15 PRESENCE OF DRUGS, AS PRESCRIBED BY THE DEPARTMENT OF PUBLIC  
16 HEALTH AND ENVIRONMENT. ANY INFORMATION OBTAINED SHALL BE  
17 MADE A PART OF THE LAW ENFORCEMENT OFFICER'S ACCIDENT REPORT.

18 (f) IF A PERSON REFUSES TO TAKE, COMPLETE, OR COOPERATE IN  
19 COMPLETING ANY TEST OR TESTS AS PROVIDED IN THIS SUBSECTION (4)  
20 AND THE PERSON SUBSEQUENTLY STANDS TRIAL FOR A VIOLATION OF  
21 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE REFUSAL TO  
22 TAKE, COMPLETE, OR COOPERATE WITH COMPLETING ANY TEST OR TESTS  
23 SHALL BE ADMISSIBLE INTO EVIDENCE AT THE TRIAL, AND THE PERSON  
24 MAY NOT CLAIM THE PRIVILEGE AGAINST SELF-INCRIMINATION WITH  
25 REGARD TO THE ADMISSION OF HIS OR HER REFUSAL TO TAKE, COMPLETE,  
26 OR COOPERATE WITH COMPLETING ANY TEST OR TESTS.

27 (g) NOTWITHSTANDING ANY PROVISION OF SECTION 42-4-1301.1,

1 C.R.S., CONCERNING REQUIREMENTS THAT RELATE TO THE MANNER IN  
2 WHICH TESTS ARE ADMINISTERED, THE TEST OR TESTS TAKEN PURSUANT  
3 TO THE PROVISIONS OF THIS SECTION MAY BE USED FOR THE PURPOSES OF  
4 DRIVER'S LICENSE REVOCATION PROCEEDINGS UNDER SECTION 42-2-126,  
5 C.R.S., AND FOR THE PURPOSES OF PROSECUTIONS FOR VIOLATIONS OF  
6 SECTION 42-4-1301 (1) OR (2), C.R.S.

7 (6) IN ALL ACTIONS, SUITS, AND JUDICIAL PROCEEDINGS IN ANY  
8 COURT OF THIS STATE CONCERNING ALCOHOL-RELATED OR DRUG-RELATED  
9 TRAFFIC OFFENSES, THE COURT SHALL TAKE JUDICIAL NOTICE OF METHODS  
10 OF TESTING A PERSON'S ALCOHOL OR DRUG LEVEL AND OF THE DESIGN AND  
11 OPERATION OF DEVICES, AS CERTIFIED BY THE DEPARTMENT OF PUBLIC  
12 HEALTH AND ENVIRONMENT, FOR TESTING A PERSON'S BLOOD, BREATH,  
13 SALIVA, OR URINE TO DETERMINE HIS OR HER ALCOHOL OR DRUG LEVEL.  
14 THIS SUBSECTION (6) SHALL NOT PREVENT THE NECESSITY OF  
15 ESTABLISHING DURING A TRIAL THAT THE TESTING DEVICES USED WERE  
16 WORKING PROPERLY AND THAT SUCH TESTING DEVICES WERE PROPERLY  
17 OPERATED. NOTHING IN THIS SUBSECTION (6) SHALL PRECLUDE A  
18 DEFENDANT FROM OFFERING EVIDENCE CONCERNING THE ACCURACY OF  
19 TESTING DEVICES.

20 **18-3.5-109. Construction.** NOTHING IN THIS ARTICLE 3.5 SHALL  
21 BE CONSTRUED TO CONFER THE STATUS OF "PERSON" UPON A HUMAN  
22 EMBRYO, FETUS, OR UNBORN CHILD AT ANY STAGE OF DEVELOPMENT  
23 PRIOR TO LIVE BIRTH.

24 **SECTION 2. Repeal.** Part 1 of article 6 of title 18, 12-32-107 (3)  
25 (m), 12-36-117 (1) (b), 25-1-1202 (1) (ee), and 30-10-606 (1) (d),  
26 Colorado Revised Statutes, are repealed.

27 **SECTION 3.** 13-22-103 (1), Colorado Revised Statutes, is

1 amended to read:

2 **13-22-103. Minors - consent for medical, dental, and related**  
3 **care.** (1) Except as otherwise provided in sections 18-1.3-407 (4.5),  
4 ~~18-6-101~~, 25-4-402, and 12-34-104, C.R.S., a minor eighteen years of age  
5 or older, or a minor fifteen years of age or older who is living separate  
6 and apart from his or her parent, parents, or legal guardian, with or  
7 without the consent of his or her parent, parents, or legal guardian, and is  
8 managing his or her own financial affairs, regardless of the source of his  
9 or her income, or any minor who has contracted a lawful marriage may  
10 give consent to organ or tissue donation or the furnishing of hospital,  
11 medical, dental, emergency health, and surgical care to himself or herself.  
12 Such consent shall not be subject to disaffirmance because of minority,  
13 and, when such consent is given, said minor shall have the same rights,  
14 powers, and obligations as if he or she had obtained majority. Consent to  
15 organ or tissue donation may be revoked pursuant to section 12-34-106,  
16 C.R.S.

17 **SECTION 4.** 13-22-105, Colorado Revised Statutes, is amended  
18 to read:

19 **13-22-105. Minors - birth control services rendered by**  
20 **physicians.** ~~Except as otherwise provided in part 1 of article 6 of title 18,~~  
21 ~~C.R.S.,~~ Birth control procedures, supplies, and information may be  
22 furnished by physicians licensed under article 36 of title 12, C.R.S., to  
23 any minor who is pregnant, or a parent, or married, or who has the  
24 consent of his parent or legal guardian, or who has been referred for such  
25 services by another physician, a clergyman, a family planning clinic, a  
26 school or institution of higher education, or any agency or instrumentality  
27 of this state or any subdivision thereof, or who requests and is in need of

1 birth control procedures, supplies, or information.

2 **SECTION 5.** Article 18 of title 17, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **17-18-108. Appropriation to comply with section 2-2-703 - HB**  
5 **11-#### - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE  
6 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY  
7 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 11-\_\_\_\_,  
8 ENACTED IN 2011:

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

14 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN  
15 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
16 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN  
17 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE  
18 FUND CREATED IN SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

19 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION  
20 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
21 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
22 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

23 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION  
24 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
25 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
26 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
27 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

1 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION  
2 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
3 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
4 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

5 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN  
6 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
7 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN  
8 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE  
9 FUND CREATED IN SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

10 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN ADDITION  
11 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
12 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
13 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

14 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION  
15 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
16 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
17 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
18 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

19 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION  
20 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
21 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
22 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

23 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

24 **SECTION 6.** The introductory portion to 24-75-302 (2) and  
25 24-75-302 (2) (x) and (2) (y), Colorado Revised Statutes, are amended,  
26 and the said 24-75-302 (2) is further amended BY THE ADDITION OF  
27 THE FOLLOWING NEW PARAGRAPHS, to read:

1           **24-75-302. Capital construction fund - capital assessment fees**  
2   **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter  
3 through July 1, ~~2012~~ 2015, a sum as specified in this subsection (2) shall  
4 accrue to the capital construction fund. The state treasurer and the  
5 controller shall transfer such sum out of the general fund and into the  
6 capital construction fund as moneys become available in the general fund  
7 during the fiscal year beginning on said July 1. Transfers between funds  
8 pursuant to this subsection (2) shall not be deemed to be appropriations  
9 subject to the limitations of section 24-75-201.1. The amount that shall  
10 accrue pursuant to this subsection (2) shall be as follows:

11           (x) On July 1, 2011, seven hundred fifty thousand nine hundred  
12 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session  
13 of the sixty-sixth general assembly; plus three hundred seventy-five  
14 thousand four hundred ninety-five dollars pursuant to S.B. 08-239,  
15 enacted at the second regular session of the sixty-sixth general assembly;  
16 PLUS \_\_\_\_\_ DOLLARS PURSUANT TO H.B. 11-\_\_\_\_, ENACTED IN 2011;

17           (y) On July 1, 2012, one hundred twelve thousand six hundred  
18 forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular  
19 session of the sixty-sixth general assembly; plus three hundred  
20 seventy-five thousand four hundred ninety-five dollars pursuant to S.B.  
21 08-239, enacted at the second regular session of the sixty-sixth general  
22 assembly; plus eighty-three thousand eight hundred sixty-one dollars  
23 pursuant to S.B. 10-128, enacted at the second regular session of the  
24 sixty-seventh general assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO H.B.  
25 11-\_\_\_\_, ENACTED IN 2011;

26           (z) ON JULY 1, 2013, \_\_\_\_\_ DOLLARS PURSUANT TO H.B. 11-\_\_\_\_,  
27 ENACTED IN 2011;

1           (aa) ON JULY 1, 2014, \_\_\_\_\_ DOLLARS PURSUANT TO H.B.  
2 11-\_\_\_\_\_, ENACTED IN 2011;

3           (bb) ON JULY 1, 2015, \_\_\_\_\_ DOLLARS PURSUANT TO H.B.  
4 11-\_\_\_\_\_, ENACTED IN 2011;

5           **SECTION 7. Effective date - applicability.** This act shall take  
6 effect July 1, 2011, and shall apply to offenses committed on or after said  
7 date.

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