A BILL FOR AN ACT

CONCERNING OFFENSES AGAINST AN UNBORN CHILD.

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 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 penalty for criminal abortion in which the woman does not die is increased from a class 4 felony to a class 3 felony.
The bill makes conforming amendments.

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

SECTION 1. In Colorado Revised Statutes, add 18-1-506 as follows:

18-1-506. Construction of statutes regarding unborn members of the species homo sapiens. If the commission of any crime codified in this title or title 42, C.R.S., is the proximate cause of death or injury to an unborn member of the species Homo sapiens, the respective homicide and assault charges for that death or injury may be brought contemporaneously with the underlying charges.

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

SECTION 3. Effective date - applicability. This act takes effect July 1, 2012, and applies to offenses committed on or after said date.

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.