

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0273.01 Michael Dohr x4347

HOUSE BILL 13-1154

HOUSE SPONSORSHIP

Foote and Levy, Court, Duran, Fields, Ginal, Hamner, Hullinghorst, Lee, McCann, Moreno, Pabon, Primavera, Ryden, Singer, Williams

SENATE SPONSORSHIP

Steadman,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CRIMES AGAINST PREGNANT WOMEN.**

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. 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, aggravated vehicular unlawful termination of a pregnancy, and careless driving resulting in unlawful termination of a

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.*

pregnancy. The bill makes it clear that a court can impose consecutive sentences for a violation of this act and other associated convictions. 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 repeals the criminal abortion statutes.

The bill makes conforming amendments.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) In 2003, the general assembly enacted House Bill 03-1138,
5 which created the crime of unlawful termination of pregnancy, in
6 response to the brutal murder of a woman who was sixteen to seventeen
7 weeks pregnant;

8 (b) That law was intended to hold persons who assault or murder
9 pregnant women directly and fully accountable for the harm they cause;

10 (c) The 2003 law exclusively addresses conduct that is intentional
11 and does not apply to reckless or careless conduct that results in the
12 termination of a pregnancy;

13 (d) Since the implementation of the 2003 law, there have been a
14 number of cases throughout Colorado in which pregnant women were
15 injured or killed by reckless or careless conduct, terminating their
16 pregnancies as a result;

17 (e) Under current Colorado law, the perpetrators of those incidents
18 could not be charged with a crime specifically as a consequence of the
19 termination of their victims' pregnancies;

20 (f) Justice requires that Colorado law hold a person who
21 recklessly or carelessly injures a pregnant woman, and who causes the

1 termination of her pregnancy as a consequence, directly and fully
2 accountable;

3 (g) This purpose can be accomplished by recognizing the pregnant
4 woman as the victim of criminal conduct, whether intentional, reckless,
5 or careless, and without altering established Colorado law to confer legal
6 personhood upon an embryo or fetus;

7 (h) Therefore, nothing in this act shall be construed to confer
8 personhood, or any rights associated with that status, on a human being
9 at any time prior to live birth;

10 (i) Additionally, nothing in this act shall be construed to permit
11 the imposition of criminal penalties against a woman for actions she takes
12 that result in the termination of her pregnancy; and


13 (j) Finally, nothing in this act shall be construed to permit the
14 imposition of criminal penalties against a health care provider engaged in
15 providing health care services to a patient.

16 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
17 **with amendments,** article 3.5 of title 18 as follows:

18 **ARTICLE 3.5**

19 **Offenses Against Pregnant Women**

20 **18-3.5-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 
23 (1) "CONSENT" HAS THE SAME MEANING AS PROVIDED IN SECTION
24 18-1-505.

25 (2) "INTENTIONALLY" OR "WITH INTENT" HAS THE SAME MEANING
26 AS PROVIDED IN SECTION 18-1-501.

27 (3) "KNOWINGLY" HAS THE SAME MEANING AS PROVIDED IN

1 SECTION 18-1-501.

2 (4) "PREGNANCY", FOR PURPOSES OF THIS ARTICLE ONLY AND
3 NOTWITHSTANDING ANY OTHER DEFINITION OR USE TO THE CONTRARY,
4 MEANS THE PRESENCE OF AN IMPLANTED HUMAN EMBRYO OR FETUS
5 WITHIN THE UTERUS OF A WOMAN.

6 (5) "RECKLESSLY" SHALL HAVE THE SAME MEANING AS PROVIDED
7 IN SECTION 18-1-501.

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

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

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

24 **18-3.5-103. Unlawful termination of pregnancy in the first**
25 **degree.** (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL
26 TERMINATION OF PREGNANCY IN THE FIRST DEGREE IF, WITH THE
27 INTENT TO TERMINATE UNLAWFULLY THE PREGNANCY OF A WOMAN, THE

1 PERSON UNLAWFULLY TERMINATES THE WOMAN'S PREGNANCY.

2 (2) UNLAWFUL TERMINATION OF PREGNANCY IN THE FIRST DEGREE
3 IS A CLASS 3 FELONY, BUT IS A CLASS 2 FELONY IF THE WOMAN DIES AS A
4 RESULT OF THE UNLAWFUL TERMINATION OF A PREGNANCY.

5 (3) A DEFENDANT CONVICTED PURSUANT TO SUBSECTION (1) OF
6 THIS SECTION SHALL BE SENTENCED BY THE COURT IN ACCORDANCE WITH
7 THE PROVISIONS OF SECTION 18-1.3-406.

8 **18-3.5-104. Unlawful termination of pregnancy in the second**
9 **degree.** (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL
10 TERMINATION OF PREGNANCY IN THE SECOND DEGREE IF THE PERSON
11 KNOWINGLY CAUSES THE UNLAWFUL TERMINATION OF THE PREGNANCY OF
12 A WOMAN.

13 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
14 THIS SUBSECTION (2), UNLAWFUL TERMINATION OF PREGNANCY IN THE
15 SECOND DEGREE IS A CLASS 4 FELONY.

16 (b) IF UNLAWFUL TERMINATION OF PREGNANCY IN THE SECOND
17 DEGREE IS COMMITTED UNDER CIRCUMSTANCES WHERE THE ACT CAUSING
18 THE UNLAWFUL TERMINATION OF PREGNANCY IS PERFORMED UPON A
19 SUDDEN HEAT OF PASSION, CAUSED BY A SERIOUS AND HIGHLY PROVOKING
20 ACT OF THE INTENDED VICTIM, AFFECTING THE PERSON CAUSING THE
21 UNLAWFUL TERMINATION OF PREGNANCY SUFFICIENTLY TO EXCITE AN
22 IRRESISTIBLE PASSION IN A REASONABLE PERSON, AND WITHOUT AN
23 INTERVAL BETWEEN THE PROVOCATION AND THE UNLAWFUL TERMINATION
24 OF PREGNANCY SUFFICIENT FOR THE VOICE OF REASON AND HUMANITY TO
25 BE HEARD, IT IS A CLASS 5 FELONY.

26 (3) A DEFENDANT CONVICTED PURSUANT TO SUBSECTION (1) OF
27 THIS SECTION SHALL BE SENTENCED BY THE COURT IN ACCORDANCE WITH

1 THE PROVISIONS OF SECTION 18-1.3-406.

2 **18-3.5-105. Unlawful termination of pregnancy in the third**

3 **degree.** (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL
4 TERMINATION OF PREGNANCY IN THE THIRD DEGREE IF, UNDER
5 CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE VALUE OF
6 HUMAN LIFE, THE PERSON KNOWINGLY ENGAGES IN CONDUCT THAT
7 CREATES A GRAVE RISK OF DEATH TO ANOTHER PERSON, AND THEREBY
8 CAUSES THE UNLAWFUL TERMINATION OF THE PREGNANCY OF A WOMAN.

9 (2) UNLAWFUL TERMINATION OF PREGNANCY IN THE THIRD
10 DEGREE IS A CLASS 5 FELONY.

11 **18-3.5-106. Unlawful termination of pregnancy in the fourth**

12 **degree.** (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL
13 TERMINATION OF PREGNANCY IN THE FOURTH DEGREE IF THE PERSON
14 RECKLESSLY CAUSES THE UNLAWFUL TERMINATION OF THE PREGNANCY
15 OF A WOMAN AT SUCH TIME AS THE PERSON KNEW OR REASONABLY
16 SHOULD HAVE KNOWN THAT THE WOMAN WAS PREGNANT.

17 (2) (a) UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH
18 DEGREE IS A CLASS 6 FELONY.

19 (b) UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH
20 DEGREE BY ANY PERSON IS A CLASS 5 FELONY IF THE PREGNANCY OF THE
21 WOMAN, OTHER THAN A PARTICIPANT IN THE CRIME, IS UNLAWFULLY
22 TERMINATED DURING THE COMMISSION OR ATTEMPTED COMMISSION OF OR
23 FLIGHT FROM THE COMMISSION OR ATTEMPTED COMMISSION OF MURDER,
24 ASSAULT IN THE FIRST OR SECOND DEGREE, ROBBERY, ARSON, BURGLARY,
25 ESCAPE, KIDNAPPING IN THE FIRST DEGREE, SEXUAL ASSAULT, SEXUAL
26 ASSAULT IN THE FIRST OR SECOND DEGREE AS SUCH OFFENSES EXISTED
27 PRIOR TO JULY 1, 2000, OR CLASS 3 FELONY SEXUAL ASSAULT ON A CHILD,

1 BUT ONLY TO THE EXTENT THAT THE PERSON IS A PRINCIPAL IN THE
2 CRIMINAL ACT OR ATTEMPTED CRIMINAL ACT, AS DESCRIBED IN SECTION
3 18-1-603, C.R.S.

4 **18-3.5-107. Vehicular unlawful termination of pregnancy.**

5 (1) IF A PERSON OPERATES OR DRIVES A MOTOR VEHICLE IN A RECKLESS
6 MANNER, AND THIS CONDUCT IS THE PROXIMATE CAUSE OF THE UNLAWFUL
7 TERMINATION OF THE PREGNANCY OF A WOMAN, SUCH PERSON COMMITS
8 VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY.

9 (2) VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY IN
10 VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 5 FELONY.

11 **18-3.5-108. Aggravated vehicular unlawful termination of**

12 **pregnancy.** (1) (a) IF A PERSON OPERATES OR DRIVES A MOTOR VEHICLE
13 WHILE UNDER THE INFLUENCE OF ALCOHOL OR ONE OR MORE DRUGS, OR
14 A COMBINATION OF BOTH ALCOHOL AND ONE OR MORE DRUGS, AND THIS
15 CONDUCT IS THE PROXIMATE CAUSE OF THE UNLAWFUL TERMINATION OF
16 THE PREGNANCY OF A WOMAN, SUCH PERSON COMMITS AGGRAVATED
17 VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY. THIS IS A STRICT
18 LIABILITY CRIME.

19 (b) AS USED IN THIS SUBSECTION (1):

20 (I) "DRIVING UNDER THE INFLUENCE" MEANS DRIVING A VEHICLE
21 WHEN A PERSON HAS CONSUMED ALCOHOL OR ONE OR MORE DRUGS, OR A
22 COMBINATION OF ALCOHOL AND ONE OR MORE DRUGS, WHICH ALCOHOL
23 ALONE, OR ONE OR MORE DRUGS ALONE, OR ALCOHOL COMBINED WITH
24 ONE OR MORE DRUGS AFFECT SUCH PERSON TO A DEGREE THAT SUCH
25 PERSON IS SUBSTANTIALLY INCAPABLE, EITHER MENTALLY OR
26 PHYSICALLY, OR BOTH MENTALLY AND PHYSICALLY, OF EXERCISING CLEAR
27 JUDGMENT, SUFFICIENT PHYSICAL CONTROL, OR DUE CARE IN THE SAFE

1 OPERATION OF A VEHICLE.

2 (II) "ONE OR MORE DRUGS" MEANS ALL SUBSTANCES DEFINED AS
3 A DRUG IN SECTION 12-42.5-102 (13), C.R.S., AND ALL CONTROLLED
4 SUBSTANCES DEFINED IN SECTION 18-18-102 (5), AND GLUE-SNIFFING,
5 AEROSOL INHALATION, OR THE INHALATION OF ANY OTHER TOXIC VAPOR
6 OR VAPORS AS DEFINED IN SECTION 18-18-412.

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

11 (2) AGGRAVATED VEHICULAR UNLAWFUL TERMINATION OF
12 PREGNANCY, IN VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS
13 SECTION, IS A CLASS 4 FELONY.

14 (3) IN ANY PROSECUTION FOR A VIOLATION OF SUBSECTION (1) OF
15 THIS SECTION, THE AMOUNT OF ALCOHOL IN THE DEFENDANT'S BLOOD OR
16 BREATH AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE OR
17 WITHIN A REASONABLE TIME THEREAFTER, AS SHOWN BY ANALYSIS OF THE
18 DEFENDANT'S BLOOD OR BREATH, SHALL GIVE RISE TO THE FOLLOWING
19 PRESUMPTIONS:

20 (a) IF THERE WAS AT SUCH TIME 0.05 OR LESS GRAMS OF ALCOHOL
21 PER ONE HUNDRED MILLILITERS OF BLOOD, OR IF THERE WAS AT SUCH TIME
22 0.05 OR LESS GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF
23 BREATH, IT SHALL BE PRESUMED THAT THE DEFENDANT WAS NOT UNDER
24 THE INFLUENCE OF ALCOHOL.

25 (b) IF THERE WAS AT SUCH TIME IN EXCESS OF 0.05 GRAMS BUT
26 LESS THAN 0.08 GRAMS OF ALCOHOL PER ONE HUNDRED MILLILITERS OF
27 BLOOD, OR IF THERE WAS AT SUCH TIME IN EXCESS OF 0.05 GRAMS BUT

1 LESS THAN 0.08 GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF
2 BREATH, SUCH FACT MAY BE CONSIDERED WITH OTHER COMPETENT
3 EVIDENCE IN DETERMINING WHETHER OR NOT THE DEFENDANT WAS UNDER
4 THE INFLUENCE OF ALCOHOL.

5 (c) IF THERE WAS AT SUCH TIME 0.08 OR MORE GRAMS OF ALCOHOL
6 PER ONE HUNDRED MILLILITERS OF BLOOD, OR IF THERE WAS AT SUCH TIME
7 0.08 OR MORE GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF
8 BREATH, IT SHALL BE PRESUMED THAT THE DEFENDANT WAS UNDER THE
9 INFLUENCE OF ALCOHOL.

10 (4) THE LIMITATIONS OF SUBSECTION (3) OF THIS SECTION SHALL
11 NOT BE CONSTRUED AS LIMITING THE INTRODUCTION, RECEPTION, OR
12 CONSIDERATION OF ANY OTHER COMPETENT EVIDENCE BEARING UPON THE
13 QUESTION OF WHETHER OR NOT THE DEFENDANT WAS UNDER THE
14 INFLUENCE OF ALCOHOL.

15 (5) (a) IF A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO
16 BELIEVE THAT A PERSON WAS DRIVING A MOTOR VEHICLE IN VIOLATION OF
17 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE PERSON, UPON
18 THE REQUEST OF THE LAW ENFORCEMENT OFFICER, SHALL TAKE AND
19 COMPLETE, AND COOPERATE IN COMPLETING, ANY TEST OR TESTS OF THE
20 PERSON'S BLOOD, BREATH, SALIVA, OR URINE FOR THE PURPOSE OF
21 DETERMINING THE ALCOHOL OR DRUG CONTENT WITHIN HIS OR HER
22 SYSTEM. THE TYPE OF TEST OR TESTS SHALL BE DETERMINED BY THE LAW
23 ENFORCEMENT OFFICER REQUIRING THE TEST OR TESTS. IF THE PERSON
24 REFUSES TO TAKE, COMPLETE, OR COOPERATE IN COMPLETING ANY TEST
25 OR TESTS, THE TEST OR TESTS MAY BE PERFORMED AT THE DIRECTION OF
26 A LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE, WITHOUT THE
27 PERSON'S AUTHORIZATION OR CONSENT. IF A PERSON REFUSES TO TAKE,

1 COMPLETE, OR COOPERATE IN TAKING OR COMPLETING ANY TEST OR TESTS
2 REQUIRED BY THIS PARAGRAPH (a), THE PERSON SHALL BE SUBJECT TO
3 LICENSE REVOCATION PURSUANT TO THE PROVISIONS OF SECTION 42-2-126
4 (3), C.R.S. WHEN THE TEST OR TESTS SHOW THAT THE AMOUNT OF
5 ALCOHOL IN A PERSON'S BLOOD WAS IN VIOLATION OF THE LIMITS
6 PROVIDED FOR IN SECTION 42-2-126 (3) (a), (3) (b), (3) (d), OR (3) (e),
7 C.R.S., THE PERSON SHALL BE SUBJECT TO LICENSE REVOCATION
8 PURSUANT TO THE PROVISIONS OF SECTION 42-2-126, C.R.S.

9 (b) ANY PERSON WHO IS REQUIRED TO SUBMIT TO TESTING SHALL
10 COOPERATE WITH THE PERSON AUTHORIZED TO OBTAIN SPECIMENS OF HIS
11 OR HER BLOOD, BREATH, SALIVA, OR URINE, INCLUDING THE SIGNING OF
12 ANY RELEASE OR CONSENT FORMS REQUIRED BY ANY PERSON, HOSPITAL,
13 CLINIC, OR ASSOCIATION AUTHORIZED TO OBTAIN SUCH SPECIMENS. IF
14 SUCH PERSON DOES NOT COOPERATE WITH THE PERSON, HOSPITAL, CLINIC,
15 OR ASSOCIATION AUTHORIZED TO OBTAIN SUCH SPECIMENS, INCLUDING
16 THE SIGNING OF ANY RELEASE OR CONSENT FORMS, SUCH
17 NONCOOPERATION SHALL BE CONSIDERED A REFUSAL TO SUBMIT TO
18 TESTING.

19 (c) THE TESTS SHALL BE ADMINISTERED AT THE DIRECTION OF A
20 LAW ENFORCEMENT OFFICER HAVING PROBABLE CAUSE TO BELIEVE THAT
21 THE PERSON COMMITTED A VIOLATION OF PARAGRAPH (a) OF SUBSECTION
22 (1) OF THIS SECTION AND IN ACCORDANCE WITH RULES AND REGULATIONS
23 PRESCRIBED BY THE STATE BOARD OF HEALTH CONCERNING THE HEALTH
24 OF THE PERSON BEING TESTED AND THE ACCURACY OF THE TESTING.
25 STRICT COMPLIANCE WITH THE RULES AND REGULATIONS SHALL NOT BE
26 A PREREQUISITE TO THE ADMISSIBILITY OF TEST RESULTS AT TRIAL UNLESS
27 THE COURT FINDS THAT THE EXTENT OF NONCOMPLIANCE WITH A BOARD

1 OF HEALTH RULE HAS SO IMPAIRED THE VALIDITY AND RELIABILITY OF THE
2 TESTING METHOD AND THE TEST RESULTS AS TO RENDER THE EVIDENCE
3 INADMISSIBLE. IN ALL OTHER CIRCUMSTANCES, FAILURE TO STRICTLY
4 COMPLY WITH SUCH RULES AND REGULATIONS SHALL ONLY BE
5 CONSIDERED IN THE WEIGHT TO BE GIVEN TO THE TEST RESULTS AND NOT
6 TO THE ADMISSIBILITY OF THE TEST RESULTS. IT SHALL NOT BE A
7 PREREQUISITE TO THE ADMISSIBILITY OF TEST RESULTS AT TRIAL THAT THE
8 PROSECUTION PRESENT TESTIMONY CONCERNING THE COMPOSITION OF
9 ANY KIT USED TO OBTAIN BLOOD, URINE, SALIVA, OR BREATH SPECIMENS.
10 A SUFFICIENT EVIDENTIARY FOUNDATION CONCERNING THE COMPLIANCE
11 OF SUCH KITS WITH THE RULES AND REGULATIONS OF THE DEPARTMENT OF
12 PUBLIC HEALTH AND ENVIRONMENT SHALL BE ESTABLISHED BY THE
13 INTRODUCTION OF A COPY OF THE MANUFACTURER'S OR SUPPLIER'S
14 CERTIFICATE OF COMPLIANCE WITH THE RULES AND REGULATIONS IF THE
15 CERTIFICATE SPECIFIES THE CONTENTS, STERILITY, CHEMICAL MAKEUP,
16 AND AMOUNTS OF CHEMICALS CONTAINED IN SUCH KIT.

17 (d) NO PERSON EXCEPT A PHYSICIAN, A REGISTERED NURSE, AN
18 EMERGENCY MEDICAL SERVICE PROVIDER AS CERTIFIED IN PART 2 OF
19 ARTICLE 3.5 OF TITLE 25, C.R.S., AN EMERGENCY MEDICAL TECHNICIAN AS
20 DEFINED IN PART 1 OF ARTICLE 3.5 OF TITLE 25, C.R.S., OR A PERSON
21 WHOSE NORMAL DUTIES INCLUDE WITHDRAWING BLOOD SAMPLES UNDER
22 THE SUPERVISION OF A PHYSICIAN OR REGISTERED NURSE SHALL BE
23 ENTITLED TO WITHDRAW BLOOD FOR THE PURPOSE OF DETERMINING THE
24 ALCOHOL OR DRUG CONTENT THEREIN. IN ANY TRIAL FOR A VIOLATION OF
25 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, TESTIMONY OF A
26 LAW ENFORCEMENT OFFICER THAT HE OR SHE WITNESSED THE TAKING OF
27 A BLOOD SPECIMEN BY A PERSON WHO HE OR SHE REASONABLY BELIEVED

1 WAS AUTHORIZED TO WITHDRAW BLOOD SPECIMENS SHALL BE SUFFICIENT
2 EVIDENCE THAT THE PERSON WAS SO AUTHORIZED, AND TESTIMONY FROM
3 THE PERSON WHO OBTAINED THE BLOOD SPECIMENS CONCERNING THE
4 PERSON'S AUTHORIZATION TO OBTAIN BLOOD SPECIMENS SHALL NOT BE A
5 PREREQUISITE TO THE ADMISSIBILITY OF TEST RESULTS CONCERNING THE
6 BLOOD SPECIMENS OBTAINED. NO CIVIL LIABILITY SHALL ATTACH TO ANY
7 PERSON AUTHORIZED TO OBTAIN BLOOD, BREATH, SALIVA, OR URINE
8 SPECIMENS OR TO ANY HOSPITAL, CLINIC, OR ASSOCIATION IN OR FOR
9 WHICH SUCH SPECIMENS ARE OBTAINED PURSUANT TO THIS SUBSECTION
10 (5) AS A RESULT OF THE ACT OF OBTAINING SUCH SPECIMENS FROM ANY
11 PERSON IF SUCH SPECIMENS WERE OBTAINED ACCORDING TO THE RULES
12 AND REGULATIONS PRESCRIBED BY THE STATE BOARD OF HEALTH; EXCEPT
13 THAT THIS SUBSECTION (5) SHALL NOT RELIEVE ANY SUCH PERSON FROM
14 LIABILITY FOR NEGLIGENCE IN THE OBTAINING OF ANY SPECIMEN SAMPLE.

15 (e) ANY PERSON WHO IS DEAD OR UNCONSCIOUS SHALL BE TESTED
16 TO DETERMINE THE ALCOHOL OR DRUG CONTENT OF HIS OR HER BLOOD OR
17 ANY DRUG CONTENT OF HIS OR HER SYSTEM AS PROVIDED IN THIS
18 SUBSECTION (5). IF A TEST CANNOT BE ADMINISTERED TO A PERSON WHO
19 IS UNCONSCIOUS, HOSPITALIZED, OR UNDERGOING MEDICAL TREATMENT
20 BECAUSE THE TEST WOULD ENDANGER THE PERSON'S LIFE OR HEALTH, THE
21 LAW ENFORCEMENT AGENCY SHALL BE ALLOWED TO TEST ANY BLOOD,
22 URINE, OR SALIVA THAT WAS OBTAINED AND NOT UTILIZED BY A HEALTH
23 CARE PROVIDER AND SHALL HAVE ACCESS TO THAT PORTION OF THE
24 ANALYSIS AND RESULTS OF ANY TESTS ADMINISTERED BY THE PROVIDER
25 THAT SHOW THE ALCOHOL OR DRUG CONTENT OF THE PERSON'S BLOOD OR
26 ANY DRUG CONTENT WITHIN HIS OR HER SYSTEM. SUCH TEST RESULTS
27 SHALL NOT BE CONSIDERED PRIVILEGED COMMUNICATIONS, AND THE

1 PROVISIONS OF SECTION 13-90-107, C.R.S., RELATING TO THE
2 PHYSICIAN-PATIENT PRIVILEGE SHALL NOT APPLY. ANY PERSON WHO IS
3 DEAD, IN ADDITION TO THE TESTS PRESCRIBED, SHALL ALSO HAVE HIS OR
4 HER BLOOD CHECKED FOR CARBON MONOXIDE CONTENT AND FOR THE
5 PRESENCE OF DRUGS, AS PRESCRIBED BY THE DEPARTMENT OF PUBLIC
6 HEALTH AND ENVIRONMENT. ANY INFORMATION OBTAINED SHALL BE
7 MADE A PART OF THE LAW ENFORCEMENT OFFICER'S ACCIDENT REPORT.

8 (f) IF A PERSON REFUSES TO TAKE, COMPLETE, OR COOPERATE IN
9 COMPLETING ANY TEST OR TESTS AS PROVIDED IN THIS SUBSECTION (5)
10 AND THE PERSON SUBSEQUENTLY STANDS TRIAL FOR A VIOLATION OF
11 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE REFUSAL TO
12 TAKE, COMPLETE, OR COOPERATE WITH COMPLETING ANY TEST OR TESTS
13 SHALL BE ADMISSIBLE INTO EVIDENCE AT THE TRIAL, AND THE PERSON
14 MAY NOT CLAIM THE PRIVILEGE AGAINST SELF-INCRIMINATION WITH
15 REGARD TO THE ADMISSION OF HIS OR HER REFUSAL TO TAKE, COMPLETE,
16 OR COOPERATE WITH COMPLETING ANY TEST OR TESTS.

17 (g) NOTWITHSTANDING ANY PROVISION OF SECTION 42-4-1301.1,
18 C.R.S., CONCERNING REQUIREMENTS THAT RELATE TO THE MANNER IN
19 WHICH TESTS ARE ADMINISTERED, THE TEST OR TESTS TAKEN PURSUANT
20 TO THE PROVISIONS OF THIS SECTION MAY BE USED FOR THE PURPOSES OF
21 DRIVER'S LICENSE REVOCATION PROCEEDINGS UNDER SECTION 42-2-126,
22 C.R.S., AND FOR THE PURPOSES OF PROSECUTIONS FOR VIOLATIONS OF
23 SECTION 42-4-1301 (1) OR (2), C.R.S.

24 (6) IN ALL ACTIONS, SUITS, AND JUDICIAL PROCEEDINGS IN ANY
25 COURT OF THIS STATE CONCERNING ALCOHOL-RELATED OR DRUG-RELATED
26 TRAFFIC OFFENSES, THE COURT SHALL TAKE JUDICIAL NOTICE OF METHODS
27 OF TESTING A PERSON'S ALCOHOL OR DRUG LEVEL AND OF THE DESIGN AND

1 OPERATION OF DEVICES, AS CERTIFIED BY THE DEPARTMENT OF PUBLIC
2 HEALTH AND ENVIRONMENT, FOR TESTING A PERSON'S BLOOD, BREATH,
3 SALIVA, OR URINE TO DETERMINE HIS OR HER ALCOHOL OR DRUG LEVEL.
4 THIS SUBSECTION (6) SHALL NOT PREVENT THE NECESSITY OF
5 ESTABLISHING DURING A TRIAL THAT THE TESTING DEVICES USED WERE
6 WORKING PROPERLY AND THAT SUCH TESTING DEVICES WERE PROPERLY
7 OPERATED. NOTHING IN THIS SUBSECTION (6) SHALL PRECLUDE A
8 DEFENDANT FROM OFFERING EVIDENCE CONCERNING THE ACCURACY OF
9 TESTING DEVICES.

10 **18-3.5-109. Careless driving resulting in unlawful termination**
11 **of pregnancy - penalty.** (1) A PERSON WHO DRIVES A MOTOR VEHICLE,
12 BICYCLE, ELECTRICAL ASSISTED BICYCLE, OR LOW-POWER SCOOTER IN A
13 CARELESS AND IMPRUDENT MANNER, WITHOUT DUE REGARD FOR THE
14 WIDTH, GRADE, CURVES, CORNERS, TRAFFIC, AND USE OF THE STREETS AND
15 HIGHWAYS AND ALL OTHER ATTENDANT CIRCUMSTANCES AND CAUSES THE
16 UNLAWFUL TERMINATION OF A PREGNANCY OF A WOMAN IS GUILTY OF
17 CARELESS DRIVING, RESULTING IN UNLAWFUL TERMINATION OF
18 PREGNANCY. A PERSON CONVICTED OF CARELESS DRIVING OF A BICYCLE
19 OR ELECTRICAL ASSISTED BICYCLE **RESULTING IN THE UNLAWFUL**
20 **TERMINATION OF PREGNANCY** SHALL NOT BE SUBJECT TO THE PROVISIONS
21 OF SECTION 42-2-127, C.R.S.

22 (2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION
23 COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE.

24 **18-3.5-110. Construction.** NOTHING IN THIS ARTICLE SHALL BE
25 CONSTRUED TO CONFER THE STATUS OF "PERSON" UPON A HUMAN
26 EMBRYO, FETUS, OR UNBORN CHILD AT ANY STAGE OF DEVELOPMENT
27

1 PRIOR TO LIVE BIRTH.

2 **SECTION 3.** In Colorado Revised Statutes, **repeal** part 1 of
3 article 6 of title 18, 12-32-107 (3) (m), 12-36-117 (1) (b), 25-1-1202 (1)
4 (ee), and 30-10-606 (1) (d).

5 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-61-113 (1)
6 (m) as follows:

7 **12-61-113. Investigation - revocation - actions against licensee**
8 **- repeal.** (1) The commission, upon its own motion, may, and, upon the
9 complaint in writing of any person, shall, investigate the activities of any
10 licensee or any person who assumes to act in such capacity within the
11 state, and the commission, after the holding of a hearing pursuant to
12 section 12-61-114, has the power to impose an administrative fine not to
13 exceed two thousand five hundred dollars for each separate offense and
14 to censure a licensee, to place the licensee on probation and to set the
15 terms of probation, or to temporarily suspend or permanently revoke a
16 license when the licensee has performed, is performing, or is attempting
17 to perform any of the following acts and is guilty of:

18 (m) Conviction of, entering a plea of guilty to, or entering a plea
19 of nolo contendere to any crime in article 3 of title 18, C.R.S.; parts 1, 2,
20 3, and 4 of article 4 of title 18, C.R.S.; part 1, 2, 3, 4, 5, 7, 8, or 9 of
21 article 5 of title 18, C.R.S.; article 5.5 of title 18, C.R.S.; ~~parts 1, PARTS~~
22 3, 4, 6, 7, and 8 of article 6 of title 18, C.R.S.; parts 1, 3, 4, 5, 6, 7, and 8
23 of article 7 of title 18, C.R.S.; part 3 of article 8 of title 18, C.R.S.; article
24 15 of title 18, C.R.S.; article 17 of title 18, C.R.S.; section 18-18-404,
25 18-18-405, 18-18-406, 18-18-411, 18-18-412.5, 18-18-412.7,
26 18-18-412.8, 18-18-415, 18-18-416, 18-18-422, or 18-18-423, C.R.S., or
27 any other like crime under Colorado law, federal law, or the laws of other

1 states. A certified copy of the judgment of a court of competent
2 jurisdiction of such conviction or other official record indicating that such
3 plea was entered shall be conclusive evidence of such conviction or plea
4 in any hearing under this part 1.

5 **SECTION 5.** In Colorado Revised Statutes, 13-22-103, **amend**
6 (1) as follows:

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

22 **SECTION 6.** In Colorado Revised Statutes, **amend** 13-22-105 as
23 follows:

24 **13-22-105. Minors - birth control services rendered by**
25 **physicians.** ~~Except as otherwise provided in part 1 of article 6 of title 18,~~
26 ~~C.R.S.,~~ Birth control procedures, supplies, and information may be
27 furnished by physicians licensed under article 36 of title 12, C.R.S., to

1 any minor who is pregnant, or a parent, or married, or who has the
2 consent of his parent or legal guardian, or who has been referred for such
3 services by another physician, a clergyman, a family planning clinic, a
4 school or institution of higher education, or any agency or instrumentality
5 of this state or any subdivision thereof, or who requests and is in need of
6 birth control procedures, supplies, or information.

7 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-406, **amend**
8 (2) (a) (II) (I) and (2) (a) (II) (J); and **add** (2) (a) (II) (K) as follows:

9 **18-1.3-406. Mandatory sentences for violent crimes.**
10 (2) (a) (II) Subparagraph (I) of this paragraph (a) applies to the following
11 crimes:

- 12 (I) Escape; ~~or~~
- 13 (J) Criminal extortion; OR
- 14 (K) FIRST OR SECOND DEGREE UNLAWFUL TERMINATION OF
15 PREGNANCY.

16 **SECTION 8. Potential appropriation.** Pursuant to section
17 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
18 in periods of imprisonment in the state correctional facilities must include
19 an appropriation of moneys that is sufficient to cover any increased
20 capital construction and operational costs for the first five fiscal years in
21 which there is a fiscal impact. Because this act may increase periods of
22 imprisonment, this act may require a five-year appropriation.

23 **SECTION 9. Effective date - applicability.** This act takes effect
24 July 1, 2013, and applies to offenses committed on or after said date.

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