

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 15-1065.01 Michael Dohr x4347

SENATE BILL 15-268

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A BILL FOR AN ACT

101 **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 defines "person" for the purposes of homicide and assault offenses as a human being and includes an unborn child at every stage of gestation from conception until live birth. For purposes of a prosecution of a homicide or assault offense, the bill does not apply to:

- ! An act committed by the mother of her unborn child;
- ! A medical procedure performed by a physician or other licensed medical professional at the request of a mother of her unborn child or the mother's legal guardian; or

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.

SENATE
3rd Reading Unamended
April 28, 2015

SENATE
2nd Reading Unamended
April 27, 2015

! The lawful dispensation or administration of lawfully prescribed medication.

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

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

4 **18-1-506. Construction of statutes regarding an unborn child.**

5 (1) FOR PURPOSES OF THE OFFENSES OF MURDER IN THE FIRST DEGREE,
6 SECTION 18-3-102; MURDER IN THE SECOND DEGREE, SECTION 18-3-103;
7 MANSLAUGHTER, SECTION 18-3-104; CRIMINALLY NEGLIGENT HOMICIDE,
8 SECTION 18-3-105; VEHICULAR HOMICIDE, SECTION 18-3-106; ASSAULT IN
9 THE FIRST DEGREE, SECTION 18-3-202; ASSAULT IN THE SECOND DEGREE,
10 18-3-203; ASSAULT IN THE THIRD DEGREE, SECTION 18-3-204; AND
11 VEHICULAR ASSAULT, 18-3-205, THE TERM "PERSON" INCLUDES AN
12 UNBORN CHILD AT EVERY STAGE OF GESTATION FROM CONCEPTION UNTIL
13 LIVE BIRTH.

14 (2) FOR PURPOSES OF A PROSECUTION OF A CRIME DESCRIBED IN
15 SUBSECTION (1) OF THIS SECTION, NOTHING IN THIS SECTION SHALL APPLY
16 TO:

17 (a) AN ACT COMMITTED BY THE MOTHER OF HER UNBORN CHILD;

18 (b) A MEDICAL PROCEDURE PERFORMED BY A PHYSICIAN OR OTHER
19 LICENSED MEDICAL PROFESSIONAL AT THE REQUEST OF A MOTHER OF HER
20 UNBORN CHILD OR THE MOTHER'S LEGAL GUARDIAN; OR

21 (c) TO THE LAWFUL DISPENSATION OR ADMINISTRATION OF
22 LAWFULLY PRESCRIBED MEDICATION.

23 **SECTION 2.** In Colorado Revised Statutes, 18-3-101, **amend** (2)
24 as follows:

25 **18-3-101. Definition of terms.** As used in this part 1, unless the

1 context otherwise requires:

2 (2) "Person", when referring to the victim of a homicide, means
3 a human being ~~who had been born and was alive at the time of the~~
4 ~~homicidal act~~ AND INCLUDES AN UNBORN CHILD AT EVERY STAGE OF
5 GESTATION FROM CONCEPTION UNTIL LIVE BIRTH.

6 **SECTION 3.** In Colorado Revised Statutes, 18-3-201, **add** (3) as
7 follows:

8 **18-3-201. Definitions.** As used in sections 18-3-201 to 18-3-203,
9 unless the context otherwise requires:

10 (3) "PERSON", WHEN REFERRING TO THE VICTIM OF AN ASSAULT,
11 AS DESCRIBED IN SECTIONS 18-3-202 TO 18-3-205, MEANS A HUMAN BEING
12 AND INCLUDES AN UNBORN CHILD AT EVERY STAGE OF GESTATION FROM
13 CONCEPTION UNTIL LIVE BIRTH.

14 **SECTION 4. Potential appropriation.** Pursuant to section
15 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
16 in periods of imprisonment in the state correctional facilities must include
17 an appropriation of moneys that is sufficient to cover any increased
18 capital construction and operational costs for the first five fiscal years in
19 which there is a fiscal impact. Because this act may increase periods of
20 imprisonment, this act may require a five-year appropriation.

21 **SECTION 5. Effective date - applicability.** This act takes effect
22 July 1, 2015, and applies to offenses committed on or after said date.

23 **SECTION 6. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.