

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

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

**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.

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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 response  
6 to the brutal murder of a woman who was sixteen to seventeen weeks  
7 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  
11 intentional and does not apply to reckless or careless conduct that results in  
12 the 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  
18 incidents could not be charged with a crime specifically as a consequence  
19 of the termination of their victims' pregnancies;

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

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

3 (g) This purpose can be accomplished by recognizing the  
4 pregnant woman as the victim of criminal conduct, whether intentional,  
5 reckless, or careless, and without altering established Colorado law to  
6 confer legal 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 at  
9 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 ~~(1) "AFTER DELIBERATION" HAS THE SAME MEANING AS PROVIDED IN~~  
23 ~~SECTION 18-3-101.~~

24 (2)(1) "CONSENT" HAS THE SAME MEANING AS PROVIDED IN  
25 SECTION 18-1-505.

26 (3)(2) "INTENTIONALLY" OR "WITH INTENT" HAS THE SAME MEANING  
27 AS PROVIDED IN SECTION 18-1-501.

1 |           (4)(3) “KNOWINGLY” HAS THE SAME MEANING AS PROVIDED IN  
2 | SECTION 18-1-501.

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

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

9 |           (7)(6) “UNLAWFUL TERMINATION OF PREGNANCY” MEANS THE  
10 | TERMINATION OF A PREGNANCY BY ANY MEANS OTHER THAN BIRTH OR A MEDICAL  
11 | PROCEDURE, INSTRUMENT, AGENT, OR DRUG, FOR WHICH THE CONSENT OF THE  
12 | PREGNANT WOMAN, OR A PERSON AUTHORIZED BY LAW TO ACT ON HER BEHALF,  
13 | HAS BEEN OBTAINED, OR FOR WHICH THE PREGNANT WOMAN'S CONSENT IS IMPLIED  
14 | BY LAW.

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

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

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

1 UNLAWFULLY THE PREGNANCY OF A WOMAN, THE PERSON UNLAWFULLY  
2 TERMINATES THE WOMAN'S PREGNANCY.

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

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

9 **18-3.5-104. Unlawful termination of pregnancy in the second degree.**

10 (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL TERMINATION OF PREGNANCY  
11 IN THE SECOND DEGREE IF, ~~WITH INTENT TO TERMINATE UNLAWFULLY THE~~  
12 ~~PREGNANCY OF A WOMAN, THE PERSON UNLAWFULLY TERMINATES THE WOMAN'S~~  
13 ~~PREGNANCY~~ THE PERSON KNOWINGLY CAUSES THE UNLAWFUL TERMINATION OF  
14 THE PREGNANCY OF A WOMAN.

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

18 (b) IF UNLAWFUL TERMINATION OF PREGNANCY IN THE SECOND DEGREE IS  
19 COMMITTED UNDER CIRCUMSTANCES WHERE THE ACT CAUSING THE UNLAWFUL  
20 TERMINATION OF PREGNANCY IS PERFORMED UPON A SUDDEN HEAT OF PASSION,  
21 CAUSED BY A SERIOUS AND HIGHLY PROVOKING ACT OF THE INTENDED VICTIM,  
22 AFFECTING THE PERSON CAUSING THE UNLAWFUL TERMINATION OF PREGNANCY  
23 SUFFICIENTLY TO EXCITE AN IRRESISTIBLE PASSION IN A REASONABLE PERSON,  
24 AND WITHOUT AN INTERVAL BETWEEN THE PROVOCATION AND THE UNLAWFUL  
25 TERMINATION OF PREGNANCY SUFFICIENT FOR THE VOICE OF REASON AND  
26 HUMANITY TO BE HEARD, IT IS A CLASS ~~6-5~~ FELONY.

27 (3) A DEFENDANT CONVICTED PURSUANT TO SUBSECTION (1) OF THIS

1 SECTION SHALL BE SENTENCED BY THE COURT IN ACCORDANCE WITH THE  
2 PROVISIONS OF SECTION 18-1.3-406.

3 **18-3.5-105. Unlawful termination of pregnancy in the third degree.**

4 (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL TERMINATION OF PREGNANCY  
5 IN THE THIRD DEGREE IF, UNDER CIRCUMSTANCES MANIFESTING EXTREME  
6 INDIFFERENCE TO THE VALUE OF HUMAN LIFE, THE PERSON KNOWINGLY ENGAGES  
7 IN CONDUCT WHICH CREATES A GRAVE RISK OF DEATH TO ANOTHER PERSON, AND  
8 THEREBY THE PERSON RECKLESSLY CAUSES THE UNLAWFUL TERMINATION OF THE  
9 PREGNANCY OF A WOMAN ~~AT SUCH TIME AS THE PERSON KNEW OR REASONABLY~~  
10 ~~SHOULD HAVE KNOWN THAT THE WOMAN WAS PREGNANT.~~

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

13 **18-3.5-106. Unlawful termination of pregnancy in the fourth degree.**

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

18 (2) (a) UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH DEGREE  
19 IS A CLASS ~~4 MISDEMEANOR~~ 6 FELONY.

20 (b) UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH DEGREE BY  
21 ANY PERSON IS A CLASS ~~6-5~~ FELONY IF THE PREGNANCY OF THE WOMAN, OTHER  
22 THAN A PARTICIPANT IN THE CRIME, IS UNLAWFULLY TERMINATED DURING THE  
23 COMMISSION OR ATTEMPTED COMMISSION OF OR FLIGHT FROM THE COMMISSION  
24 OR ATTEMPTED COMMISSION OF MURDER, ASSAULT IN THE FIRST OR SECOND  
25 DEGREE, ROBBERY, ARSON, BURGLARY, ESCAPE, KIDNAPPING IN THE FIRST DEGREE,  
26 SEXUAL ASSAULT, SEXUAL ASSAULT IN THE FIRST OR SECOND DEGREE AS SUCH  
27 OFFENSES EXISTED PRIOR TO JULY 1, 2000, OR CLASS 3 FELONY SEXUAL ASSAULT

1 | ON A CHILD, BUT ONLY TO THE EXTENT THAT THE PERSON IS A PRINCIPAL IN THE  
2 | CRIMINAL ACT OR ATTEMPTED CRIMINAL ACT, AS DESCRIBED IN SECTION 18-1-603,  
3 | 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 VIOLATION  
10 | OF SUBSECTION (1) OF THIS SECTION IS A CLASS 5 FELONY.

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

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

18 | (b) AS USED IN THIS SUBSECTION (1):

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

27 | (II) "ONE OR MORE DRUGS" MEANS ALL SUBSTANCES DEFINED AS A DRUG

1 IN SECTION 12-42.5-102 (13), C.R.S., AND ALL CONTROLLED SUBSTANCES DEFINED IN  
2 SECTION 18-18-102 (5), AND GLUE-SNIFFING, AEROSOL INHALATION, OR THE  
3 INHALATION OF ANY OTHER TOXIC VAPOR OR VAPORS AS DEFINED IN SECTION 18-18-  
4 412.

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

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

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

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

21 (b) IF THERE WAS AT SUCH TIME IN EXCESS OF 0.05 GRAMS BUT LESS THAN  
22 0.08 GRAMS OF ALCOHOL PER ONE HUNDRED MILLILITERS OF BLOOD, OR IF THERE  
23 WAS AT SUCH TIME IN EXCESS OF 0.05 GRAMS BUT LESS THAN 0.08 GRAMS OF  
24 ALCOHOL PER TWO HUNDRED TEN LITERS OF BREATH, SUCH FACT MAY BE  
25 CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING WHETHER OR  
26 NOT THE DEFENDANT WAS UNDER THE INFLUENCE OF ALCOHOL.

27 (c) IF THERE WAS AT SUCH TIME 0.08 OR MORE GRAMS OF ALCOHOL PER  
28 ONE HUNDRED MILLILITERS OF BLOOD, OR IF THERE WAS AT SUCH TIME 0.08 OR  
29 MORE GRAMS OF ALCOHOL PER TWO HUNDRED TEN LITERS OF BREATH, IT SHALL BE

1 PRESUMED THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF ALCOHOL.

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

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

25 (b) ANY PERSON WHO IS REQUIRED TO SUBMIT TO TESTING SHALL  
26 COOPERATE WITH THE PERSON AUTHORIZED TO OBTAIN SPECIMENS OF HIS OR HER  
27 BLOOD, BREATH, SALIVA, OR URINE, INCLUDING THE SIGNING OF ANY RELEASE OR

1 CONSENT FORMS REQUIRED BY ANY PERSON, HOSPITAL, CLINIC, OR ASSOCIATION  
2 AUTHORIZED TO OBTAIN SUCH SPECIMENS. IF SUCH PERSON DOES NOT COOPERATE  
3 WITH THE PERSON, HOSPITAL, CLINIC, OR ASSOCIATION AUTHORIZED TO OBTAIN  
4 SUCH SPECIMENS, INCLUDING THE SIGNING OF ANY RELEASE OR CONSENT FORMS,  
5 SUCH NONCOOPERATION SHALL BE CONSIDERED A REFUSAL TO SUBMIT TO  
6 TESTING.

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

1 THE CERTIFICATE SPECIFIES THE CONTENTS, STERILITY, CHEMICAL MAKEUP, AND  
2 AMOUNTS OF CHEMICALS CONTAINED IN SUCH KIT.

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

22 (5) AS A RESULT OF THE ACT OF OBTAINING SUCH SPECIMENS FROM ANY  
23 PERSON IF SUCH SPECIMENS WERE OBTAINED ACCORDING TO THE RULES AND  
24 REGULATIONS PRESCRIBED BY THE STATE BOARD OF HEALTH; EXCEPT THAT THIS  
25 SUBSECTION (5) SHALL NOT RELIEVE ANY SUCH PERSON FROM LIABILITY FOR  
26 NEGLIGENCE IN THE OBTAINING OF ANY SPECIMEN SAMPLE.

27 (e) ANY PERSON WHO IS DEAD OR UNCONSCIOUS SHALL BE TESTED

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

19 (f) IF A PERSON REFUSES TO TAKE, COMPLETE, OR COOPERATE IN  
20 COMPLETING ANY TEST OR TESTS AS PROVIDED IN THIS SUBSECTION (5) AND THE  
21 PERSON SUBSEQUENTLY STANDS TRIAL FOR A VIOLATION OF PARAGRAPH (b) OF  
22 SUBSECTION (1) OF THIS SECTION, THE REFUSAL TO TAKE, COMPLETE, OR  
23 COOPERATE WITH COMPLETING ANY TEST OR TESTS SHALL BE ADMISSIBLE INTO  
24 EVIDENCE AT THE TRIAL, AND THE PERSON MAY NOT CLAIM THE PRIVILEGE  
25 AGAINST SELF-INCRIMINATION WITH REGARD TO THE ADMISSION OF HIS OR HER  
26 REFUSAL TO TAKE, COMPLETE, OR COOPERATE WITH COMPLETING ANY TEST OR  
27 TESTS.

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

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

19 | **18-3.5-109. Careless driving resulting in unlawful termination of**  
20 **pregnancy - penalty.** (1) A PERSON WHO DRIVES A MOTOR VEHICLE, A BICYCLE,  
21 ELECTRICAL ASSISTED BICYCLE, OR LOW-POWER SCOOTER IN A CARELESS AND  
22 IMPRUDENT MANNER, WITHOUT DUE REGARD FOR THE WIDTH, GRADE, CURVES,  
23 CORNERS, TRAFFIC, AND USE OF THE STREETS AND HIGHWAYS AND ALL OTHER  
24 ATTENDANT CIRCUMSTANCES AND CAUSES THE UNLAWFUL TERMINATION OF A  
25 PREGNANCY OF A WOMAN IS GUILTY OF CARELESS DRIVING, RESULTING IN  
26 UNLAWFUL TERMINATION OF PREGNANCY. A PERSON CONVICTED OF CARELESS  
27 | DRIVING OF A BICYCLE OR ELECTRICAL ASSISTED BICYCLE RESULTING IN

1 | UNLAWFUL TERMINATION OF PREGNANCY SHALL NOT BE SUBJECT TO THE  
2 | PROVISIONS OF SECTION 42-2-127, C.R.S.

3 | (2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION  
4 | COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE.

5 | ~~18-3.5-110. Sentencing. NOTHING IN THIS ARTICLE PROHIBITS A COURT~~  
6 | ~~FROM SENTENCING A DEFENDANT, IN ACCORDANCE WITH 18-1-408, C.R.S., TO~~  
7 | ~~CONSECUTIVE SENTENCES FOR CONVICTIONS UNDER THIS ARTICLE AND ANY OTHER~~  
8 | ~~PROVISION OF THIS TITLE OR TITLE 42, C.R.S., RELATED TO THE SAME INCIDENT.~~

9 | **18-3.5-111. Construction.** NOTHING IN THIS ARTICLE SHALL BE  
10 | CONSTRUED TO CONFER THE STATUS OF "PERSON" UPON A HUMAN EMBRYO, FETUS,  
11 | OR UNBORN CHILD AT ANY STAGE OF DEVELOPMENT PRIOR TO LIVE BIRTH.

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

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

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

27 | (m) Conviction of, entering a plea of guilty to, or entering a plea of nolo

1        contendere to any crime in article 3 of title 18, C.R.S.; parts 1, 2, 3, and 4 of  
2        article 4 of title 18, C.R.S.; part 1, 2, 3, 4, 5, 7, 8, or 9 of article 5 of title 18,  
3        C.R.S.; article 5.5 of title 18, C.R.S.; ~~parts 1,~~ PARTS 3, 4, 6, 7, and 8 of article 6  
4        of title 18, C.R.S.; parts 1, 3, 4, 5, 6, 7, and 8 of article 7 of title 18, C.R.S.; part  
5        3 of article 8 of title 18, C.R.S.; article 15 of title 18, C.R.S.; article 17 of title 18,  
6        C.R.S.; section 18-18-404, 18-18-405, 18-18-406, 18-18-411, 18-18-412.5, 18-  
7        18-412.7, 18-18-412.8, 18-18-415, 18-18-416, 18-18-422, or 18-18-423, C.R.S.,  
8        or any other like crime under Colorado law, federal law, or the laws of other  
9        states. A certified copy of the judgment of a court of competent

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

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

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

27        **13-22-105. Minors - birth control services rendered by physicians.**

1 ~~Except as otherwise provided in part 1 of article 6 of title 18, C.R.S.,~~ Birth  
2 control procedures, supplies, and information may be furnished by physicians  
3 licensed under article 36 of title 12, C.R.S., to any minor who is pregnant, or a  
4 parent, or married, or who has the consent of his parent or legal guardian, or who  
5 has been referred for such a services by another physician, a clergyman, a family  
6 planning clinic, school or institution of higher education, or any agency or  
7 instrumentality of this state or any subdivision thereof, or who requests and is in  
8 need of birth control procedures, supplies, or information.

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

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

13 (I) Escape; or

14 (J) Criminal extortion; OR

15 (K) FIRST OR SECOND DEGREE UNLAWFUL TERMINATION OF  
16 PREGNANCY.

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

24 **SECTION 9. Effective date - applicability.** This act takes effect July 1,  
25 2013, and applies to offenses committed on or after said date.

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