

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0751.01 Shelby Ross x4510

HOUSE BILL 23-1119

HOUSE SPONSORSHIP

Bottoms,

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ABOLISHING ABORTION IN COLORADO.

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://leg.colorado.gov>.)

The bill defines a "person" to include an unborn child at all stages of gestation, from fertilization to natural death, as it relates to a private right of action and current homicide and assault provisions.

The bill declares that any existing state law relating to prenatal homicide or assault or regulating abortion or abortion facilities is superseded to the extent it conflicts or is inconsistent with the provisions of the bill.

The bill authorizes the state to disregard any federal court decision

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

that purports to enjoin or void this requirement and subjects a Colorado judge to impeachment or removal if the judge purports to enjoin, stay, overrule, or void the requirement.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares, acknowledging the sanctity of innocent human life
4 created in the image of God, which should be equally protected from
5 fertilization to natural death, that the purpose of this act is:

6 (a) To fully recognize the human personhood of an unborn child
7 at all stages of development prior to birth from the moment of
8 fertilization;

9 (b) To ensure the right to life and equal protection of the laws to
10 all unborn children from the moment of fertilization by protecting unborn
11 children with the same homicide and assault laws protecting all other
12 human persons; and

13 (c) To recognize that the United States constitution, and the laws
14 of the United States, which shall be made in pursuance thereof, are the
15 supreme law of the land.

16 (2) Therefore, the general assembly intends to treat as void and
17 give no effect to any and all state and federal statutes, regulations,
18 treaties, orders, and court rulings that deprive an unborn child of the right
19 to life or prohibit the equal protection of such right.

20 **SECTION 2.** In Colorado Revised Statutes, **amend** 13-21-202 as
21 follows:

22 **13-21-202. Action notwithstanding death - definition.**

23 (1) When the death of a person is caused by a wrongful act, neglect, or
24 default of another, and the act, neglect, or default is such as would, if

1 death had not ensued, have entitled the party injured to maintain an action
2 and recover damages in respect thereof, then, and in every such case, the
3 person who or the corporation which would have been liable, if death had
4 not ensued, shall be liable in an action for damages notwithstanding the
5 death of the party injured.

6 (2) AS USED IN THIS SECTION, "PERSON" INCLUDES AN UNBORN
7 HUMAN CHILD AT EVERY STAGE OF GESTATION FROM FERTILIZATION UNTIL
8 BIRTH.

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

11 **18-3-101. Definition of terms.** As used in this part 1, unless the
12 context otherwise requires:

13 (2) "Person", when referring to the victim of a homicide, means
14 a human being who ~~had been born and~~ was alive at the time of the
15 homicidal act, INCLUDING AN UNBORN CHILD AT EVERY STAGE OF
16 GESTATION FROM FERTILIZATION UNTIL BIRTH.

17 **SECTION 4.** In Colorado Revised Statutes, **add** 18-3-101.5 as
18 follows:

19 **18-3-101.5. Enforcement of provisions.** (1) EXISTING
20 PROVISIONS RELATING TO PRENATAL HOMICIDE OR REGULATING ABORTION
21 OR ABORTION FACILITIES ARE NOT REPEALED BUT ARE SUPERSEDED TO THE
22 EXTENT THE PROVISIONS CONFLICT WITH OR ARE INCONSISTENT WITH THIS
23 SECTION OR SECTION 18-3-101 (2).

24 (2) NOTHING IN THIS SECTION ALTERS ANY EXISTING
25 PRESUMPTION, DEFENSE, JUSTIFICATION, IMMUNITY, OR CLEMENCY THAT
26 MIGHT APPLY IN THE CASE OF THE HOMICIDE OF A BORN PERSON,
27 INCLUDING, BUT NOT LIMITED TO, SECTIONS 13-90-118, 18-1-402,

1 18-1-504, 18-1-702, 18-1-708, OR SECTION 7 OF ARTICLE IV OF THE STATE
2 CONSTITUTION.

3 (3) (a) ANY FEDERAL STATUTE, REGULATION, TREATY, EXECUTIVE
4 ORDER, OR COURT RULING THAT PURPORTS TO SUPERSEDE, STAY, OR
5 OVERRULE THIS SECTION IS A VIOLATION OF THE STATE CONSTITUTION AND
6 THE UNITED STATES CONSTITUTION AND IS VOID.

7 (b) THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, AND
8 ANY AGENT OF THE STATE MAY DISREGARD ANY PART OR THE WHOLE OF
9 A FEDERAL COURT DECISION THAT PURPORTS TO ENJOIN OR VOID ANY
10 PROVISION OF THIS SECTION.

11 (4) PURSUANT TO THE POWERS GRANTED TO THE GENERAL
12 ASSEMBLY IN ARTICLE XIII OF THE STATE CONSTITUTION, ANY JUDGE OF
13 THIS STATE WHO PURPORTS TO ENJOIN, STAY, OVERRULE, OR VOID ANY
14 PROVISION OF THIS SECTION IS SUBJECT TO IMPEACHMENT OR REMOVAL.

15 **SECTION 5.** In Colorado Revised Statutes, 18-3-201, **add** (2.5)
16 as follows:

17 **18-3-201. Definitions.** As used in sections 18-3-201 to 18-3-204,
18 unless the context otherwise requires:

19 (2.5) "PERSON", WHEN REFERRING TO THE VICTIM OF AN ASSAULT,
20 MEANS A HUMAN BEING WHO WAS ALIVE AT THE TIME OF THE ASSAULT,
21 INCLUDING AN UNBORN CHILD AT EVERY STAGE OF GESTATION FROM
22 FERTILIZATION UNTIL BIRTH.

23 **SECTION 6.** In Colorado Revised Statutes, **add** 18-3-201.5 as
24 follows:

25 **18-3-201.5. Enforcement of provisions.** (1) EXISTING
26 PROVISIONS RELATING TO PRENATAL ASSAULT OR REGULATING ABORTION
27 OR ABORTION FACILITIES ARE NOT REPEALED BUT ARE SUPERSEDED TO THE

1 EXTENT THE PROVISIONS CONFLICT WITH OR ARE INCONSISTENT WITH THIS
2 SECTION OR SECTION 18-3-201 (2.5).

3 (2) NOTHING IN THIS SECTION ALTERS ANY EXISTING
4 PRESUMPTION, DEFENSE, JUSTIFICATION, IMMUNITY, OR CLEMENCY THAT
5 MIGHT APPLY IN THE CASE OF THE ASSAULT OF A BORN PERSON, INCLUDING
6 BUT NOT LIMITED TO SECTIONS 13-90-118, 18-1-402, 18-1-504, 18-1-702,
7 AND 18-1-708 OR SECTION 7 OF ARTICLE IV OF THE STATE CONSTITUTION.

8 (3) (a) ANY FEDERAL STATUTE, REGULATION, TREATY, EXECUTIVE
9 ORDER, OR COURT RULING THAT PURPORTS TO SUPERSEDE, STAY, OR
10 OVERRULE THIS SECTION IS A VIOLATION OF THE STATE CONSTITUTION AND
11 THE UNITED STATES CONSTITUTION AND IS VOID.

12 (b) THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, AND
13 ANY AGENT OF THE STATE MAY DISREGARD ANY PART OR THE WHOLE OF
14 A FEDERAL COURT DECISION THAT PURPORTS TO ENJOIN OR VOID ANY
15 PROVISION OF THIS SECTION.

16 (4) PURSUANT TO THE POWERS GRANTED TO THE GENERAL
17 ASSEMBLY IN ARTICLE XIII OF THE STATE CONSTITUTION, ANY JUDGE OF
18 THIS STATE WHO PURPORTS TO ENJOIN, STAY, OVERRULE, OR VOID ANY
19 PROVISION OF THIS SECTION IS SUBJECT TO IMPEACHMENT OR REMOVAL.

20 **SECTION 7. Severability.** If any provision of this act or the
21 application thereof to any person or circumstance is held invalid, such
22 invalidity does not affect other provisions or applications of the act that
23 can be given effect without the invalid provision or application, and to
24 this end the provisions of this act are declared to be severable.

25 **SECTION 8. Applicability.** This act applies to crimes committed
26 on or after the effective date of this act. For the purposes of this act, a
27 crime is committed before the effective date of this act if any element of

1 the crime occurs before the effective date.

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