

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0650.01 Shelby Ross x4510

HOUSE BILL 24-1224

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HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 CONCERNING RECOGNIZING THE PERSONHOOD OF A LIVING UNBORN  
102 HUMAN CHILD.

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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 "person" to include a living unborn human child at any stage of development, from fertilization at the fusion of a human spermatozoon with a human ovum, as "person" relates to a private right of action and neglect provisions and current homicide and assault provisions.

The bill declares that any existing state law relating to prenatal

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.

neglect, homicide, or assault, or regulating abortion or abortion facilities, is superseded to the extent it conflicts with or is inconsistent with the bill.

The bill states that the defense of duress is available for an offense of murder in the first degree if the victim is a living unborn human child and the defendant is the child's mother.

The bill authorizes the state to disregard any federal court decision that purports to enjoin or void the bill and subjects a Colorado judge to impeachment or removal if the judge purports to enjoin, stay, overrule, or void the requirement.

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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 finds and declares that the purpose of this act is to:

4           (a) Recognize that the Fourteenth Amendment to the Constitution  
5 of the United States requires that "[n]o state shall . . . deny to any person  
6 within its jurisdiction the equal protection of the laws";

7           (b) Recognize that innocent human life, created in the image of  
8 God, should be equally protected under the laws from fertilization to  
9 natural death;

10           (c) Ensure that the lives of unborn children are protected from  
11 homicide and assault with the same criminal and civil laws protecting all  
12 other persons;

13           (d) Recognize that all persons potentially subject to such laws are  
14 entitled to due process protections;

15           (e) Ensure that pregnant women are protected under law from  
16 being pressured to abort a child; and

17           (f) Remove provisions that may allow a person to aid, abet,  
18 advise, or encourage a pregnant woman to abort her child.

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

1           **13-21-202. Action notwithstanding death - definition.**

2           (1) When the death of a person is caused by a wrongful act, neglect, or  
3           default of another, and the act, neglect, or default is such as would, if  
4           death had not ensued, have entitled the party injured to maintain an action  
5           and recover damages in respect thereof, then, and in every such case, the  
6           person who or the corporation which would have been liable, if death had  
7           not ensued, shall be liable in an action for damages notwithstanding the  
8           death of the party injured.

9           (2) AS USED IN THIS SECTION, "PERSON" INCLUDES A LIVING  
10          UNBORN HUMAN CHILD AT ANY STAGE OF DEVELOPMENT FROM  
11          FERTILIZATION AT THE FUSION OF A HUMAN SPERMATOZOON WITH A  
12          HUMAN OVUM.

13          **SECTION 3.** In Colorado Revised Statutes, **add** 13-21-202.5 as  
14          follows:

15          **13-21-202.5. Enforcement of provisions.** (1) EXISTING  
16          PROVISIONS RELATING TO PRENATAL DEATH THAT IS CAUSED BY A  
17          WRONGFUL ACT, NEGLIGENCE, OR DEFAULT OF ANOTHER OR PROVISIONS  
18          REGULATING ABORTION OR ABORTION FACILITIES ARE NOT REPEALED BUT  
19          ARE SUPERSEDED TO THE EXTENT THE PROVISIONS CONFLICT WITH OR ARE  
20          INCONSISTENT WITH THIS SECTION OR SECTION 13-21-202 (2).

21          (2) NOTHING IN THIS SECTION ALTERS ANY EXISTING  
22          PRESUMPTION, DEFENSE, JUSTIFICATION, IMMUNITY, OR CLEMENCY THAT  
23          MAY APPLY IN THE CASE OF THE DEATH OF A BORN PERSON THAT IS  
24          CAUSED BY A WRONGFUL ACT, NEGLIGENCE, OR DEFAULT OF ANOTHER,  
25          INCLUDING, BUT NOT LIMITED TO, SECTION 13-90-118, 18-1-402, 18-1-504,  
26          18-1-702, OR 18-1-708 OR SECTION 7 OF ARTICLE IV OF THE STATE  
27          CONSTITUTION.

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

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

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

13           **SECTION 4.** In Colorado Revised Statutes, **amend** 18-1-708 as  
14 follows:

15           **18-1-708. Duress.** A person may not be convicted of an offense,  
16 other than a class 1 felony, based upon conduct in which ~~he~~ THE PERSON  
17 engaged at the direction of another person because of the use or  
18 threatened use of unlawful force upon ~~him~~ THE PERSON or upon another  
19 person, which force or threatened use ~~thereof~~ OF FORCE a reasonable  
20 person in ~~his~~ THE PERSON'S situation would have been unable to resist.  
21 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,  
22 THIS DEFENSE IS AVAILABLE FOR AN OFFENSE OF MURDER IN THE FIRST  
23 DEGREE IF THE VICTIM IS A LIVING UNBORN HUMAN CHILD AND THE  
24 DEFENDANT IS THE CHILD'S MOTHER. This defense is not available when  
25 a person intentionally or recklessly places ~~himself~~ THE PERSON'S SELF in  
26 a situation in which it is foreseeable that ~~he~~ THE PERSON will be subjected  
27 to such force or threatened use ~~thereof~~ OF FORCE. The choice of evils

1 defense, provided in section 18-1-702, ~~shall~~ IS not be available to a  
2 defendant in addition to the defense of duress provided under this section  
3 unless separate facts exist ~~which~~ THAT warrant its application.

4 **SECTION 5.** In Colorado Revised Statutes, 18-3-101, **amend** (2)  
5 as follows:

6 **18-3-101. Definition of terms.** As used in this part 1, unless the  
7 context otherwise requires:

8 (2) "Person", when referring to the victim of a homicide, means  
9 a human being who ~~had been born and~~ was alive at the time of the  
10 homicidal act, INCLUDING A LIVING UNBORN HUMAN CHILD AT ANY STAGE  
11 OF DEVELOPMENT FROM FERTILIZATION AT THE FUSION OF A HUMAN  
12 SPERMATOZOON WITH A HUMAN OVUM.

13 **SECTION 6.** In Colorado Revised Statutes, **add** 18-3-101.5 as  
14 follows:

15 **18-3-101.5. Enforcement of provisions.** (1) EXISTING  
16 PROVISIONS RELATING TO PRENATAL HOMICIDE OR REGULATING ABORTION  
17 OR ABORTION FACILITIES ARE NOT REPEALED BUT ARE SUPERSEDED TO THE  
18 EXTENT THE PROVISIONS CONFLICT WITH OR ARE INCONSISTENT WITH THIS  
19 SECTION OR SECTION 18-3-101 (2).

20 (2) NOTHING IN THIS SECTION ALTERS ANY EXISTING  
21 PRESUMPTION, DEFENSE, JUSTIFICATION, IMMUNITY, OR CLEMENCY THAT  
22 MAY APPLY IN THE CASE OF THE HOMICIDE OF A BORN PERSON, INCLUDING,  
23 BUT NOT LIMITED TO, SECTION 13-90-118, 18-1-402, 18-1-504, 18-1-702,  
24 OR 18-1-708 OR SECTION 7 OF ARTICLE IV OF THE STATE CONSTITUTION.

25 (3) (a) ANY FEDERAL STATUTE, REGULATION, TREATY, EXECUTIVE  
26 ORDER, OR COURT RULING THAT PURPORTS TO SUPERSEDE, STAY, OR  
27 OVERRULE THIS SECTION IS A VIOLATION OF THE STATE CONSTITUTION AND

1 THE UNITED STATES CONSTITUTION AND IS VOID.

2 (b) THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, AND  
3 ANY AGENT OF THE STATE MAY DISREGARD ANY PART OR THE WHOLE OF  
4 A FEDERAL COURT DECISION THAT PURPORTS TO ENJOIN OR VOID ANY  
5 PROVISION OF THIS SECTION.

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

10 **SECTION 7.** In Colorado Revised Statutes, 18-3-201, **add** (2.5)  
11 as follows:

12 **18-3-201. Definitions.** As used in sections 18-3-201 to 18-3-204,  
13 unless the context otherwise requires:

14 (2.5) "PERSON", WHEN REFERRING TO THE VICTIM OF AN ASSAULT,  
15 MEANS A HUMAN BEING WHO WAS ALIVE AT THE TIME OF THE ASSAULT,  
16 INCLUDING A LIVING UNBORN HUMAN CHILD AT ANY STAGE OF  
17 DEVELOPMENT FROM FERTILIZATION AT THE FUSION OF A HUMAN  
18 SPERMATOZOON WITH A HUMAN OVUM.

19 **SECTION 8.** In Colorado Revised Statutes, **add** 18-3-201.5 as  
20 follows:

21 **18-3-201.5. Enforcement of provisions.** (1) EXISTING  
22 PROVISIONS RELATING TO PRENATAL ASSAULT OR REGULATING ABORTION  
23 OR ABORTION FACILITIES ARE NOT REPEALED BUT ARE SUPERSEDED TO THE  
24 EXTENT THE PROVISIONS CONFLICT WITH OR ARE INCONSISTENT WITH THIS  
25 SECTION OR SECTION 18-3-201 (2.5).

26 (2) NOTHING IN THIS SECTION ALTERS ANY EXISTING  
27 PRESUMPTION, DEFENSE, JUSTIFICATION, IMMUNITY, OR CLEMENCY THAT

1 MAY APPLY IN THE CASE OF THE ASSAULT OF A BORN PERSON, INCLUDING,  
2 BUT NOT LIMITED TO, SECTION 13-90-118, 18-1-402, 18-1-504, 18-1-702,  
3 OR 18-1-708 OR SECTION 7 OF ARTICLE IV OF THE STATE CONSTITUTION.

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

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

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

16 **SECTION 9. Severability.** If any provision of this act or the  
17 application thereof to any person or circumstance is held invalid, such  
18 invalidity does not affect other provisions or applications of the act that  
19 can be given effect without the invalid provision or application, and to  
20 this end the provisions of this act are declared to be severable.

21 **SECTION 10. Applicability.** This act applies to crimes  
22 committed on or after the effective date of this act. For the purposes of  
23 this act, a crime is committed before the effective date of this act if any  
24 element of the crime occurs before the effective date.

25 **SECTION 11. Safety clause.** The general assembly finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.