

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Faye Barnhart and Angela Eicher
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: July 21, 2023
SUBJECT: Proposed initiative measure 2023-2024 #74, concerning equal protection of every living child in Colorado

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

An earlier version of this proposed initiative, proposed initiative 2023-2024 #26, was the subject of a memorandum dated March 24, 2023, and was discussed at a public meeting on March 28, 2023. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

Purposes

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be to prohibit intentionally harming any human child, including dismembering, poisoning, scalding, or treating inhumanely with the intent to cause death at any time prior to, during, or following the birth, from the moment human life biologically begins at conception.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. The proposed initiative refers to "a human child." What does "human child" refer to?
2. Section 18-3-101 (2), C.R.S., defines a person, when referring to a victim of a homicide, as a human being who has been born and was alive at the time of the homicidal act. How do the provisions of the proposed initiative work with this definition of person?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. It is standard drafting practice to use SMALL CAPITAL LETTERS to show the language being added to the Colorado Revised Statutes.
2. Subsection (3) in section 18-6-901 uses numerical values. In statutory legislative declarations, it is standard drafting practice to spell out numbers.