

CDOS Received: 12/22/2021 7:14 P.M. - C.Hammack

Be it enacted by the people of the state of Colorado:

**SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article 6 of title 18 as follows:

**Part 9**

**Equal Protection of Living Children in Colorado**

**18-6-901. Declaration of the People.**

- 1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:
- 2) THE WILL OF THE PEOPLE IN THE STATE OF COLORADO UPHOLD THE UNITED STATES CONSTITUTION ACCORDING TO PARAGRAPH 1 OF THE UNITED STATES CONSTITUTION REFERRING TO RIGHTS EXTENDED TO OUR POSTERITY, ARTICLE VI OF THE UNITED STATES CONSTITUTION, AND SECTION 1 OF AMENDMENT XIV OF THE UNITED STATES CONSTITUTION, AND AMENDMENT V OF THE UNITED STATES CONSTITUTION, AND AMENDMENT IX OF THE UNITED STATES CONSTITUTION, AND AMENDMENT X OF THE UNITED STATES CONSTITUTION, AND AMENDMENT XI OF THE UNITED STATES CONSTITUTION.
- 3) THE STATE OF COLORADO RESERVES EXERCISING ITS CONSTITUTIONAL AND GOD-GIVEN DUTIES TO PROVIDE EQUAL PROTECTION TO ALL INDIVIDUALS WITHIN ITS JURISDICTION.
- 4) CURRENTLY, IT IS AGAINST THE LAW TO COMMIT MURDER IN COLORADO.
- 5) CURRENTLY, NOT ALL CHILDREN ARE PROTECTED EQUALLY IN COLORADO FROM MURDER AND ARE DISCRIMINATED AGAINST AND PREJUDICED BASED ON AGE AND LEVEL OF DEVELOPMENT.
- 6) THIS REVISED STATUTE WOULD PROHIBIT THE MURDER OF ANY LIVING CHILD AT ANY STAGE OF DEVELOPMENT AT ANY TIME PRIOR TO, DURING, OR AFTER BIRTH.

**18-6-902. Definitions.** As used in this part 9:

- 1) **“LIVING CHILD”, “CHILD”, OR “CHILDREN”** AS USED IN THIS REVISED STATUTE MEANS A LIVING HUMAN AT ANY TIME PRIOR TO, DURING, AND AFTER BIRTH UNTIL REACHING LEGAL ADULTHOOD.
- 2) **“MURDER”, “MURDERS”, “PURPOSEFULLY KILLED”, “KILLING”, OR “PURPOSEFUL DEATH”** AS USED IN THIS REVISED STATUTE MEANS INTENTIONALLY CAUSING THE DEATH OF A HUMAN CHILD THROUGH THE ACT OF USING OR PRESCRIBING ANY INSTRUMENT, MEDICINE, DRUG, OR ANY OTHER SUBSTANCE, DEVICE, OR MEANS WITH THE INTENT TO KILL A LIVING HUMAN ANY TIME PRIOR TO, DURING, OR AFTER BIRTH, AND CAUSING IMMEDIATE OR LINGERING DEATH. THIS DOES **NOT** INCLUDE SUCH USE, PRESCRIPTION, OR MEANS WITH AN INTENT OR ATTEMPT TO:
  - A) SAVE THE LIFE OR PRESERVE THE HEALTH OF THE LIVING CHILD;
  - B) SAVE THE LIFE OR PRESERVE THE HEALTH OF BOTH MOTHER AND LIVING CHILD;
  - C) REMOVE A CHILD NO LONGER LIVING; OR
  - D) REMOVE OR ATTEMPT TO RELOCATE AN ECTOPIC PREGNANCY.

**18-6-903. Murder of a child prohibited.**

- 1) **UNLAWFUL CONDUCT.** IT IS UNLAWFUL FOR ANY PERSON TO MURDER A CHILD OF ANY AGE OR DEVELOPMENTAL STAGE, ABILITY OR DISABILITY, INCLUDING ANY TIME PRIOR TO, DURING, OR AFTER BIRTH.
- 2) THIS REVISED STATUTE PREVENTS MURDER OF A CHILD AND RENDERS VOID AND OF NO EFFECT ANY AND ALL STATUTES, REGULATIONS, TREATIES, OR COURT RULINGS THAT WOULD DEPRIVE ANY LIVING CHILD AT ANY TIME PRIOR TO, DURING, OR AFTER BIRTH THEIR CONSTITUTIONAL RIGHTS AND EQUAL PROTECTIONS UNDER THE LAW.
- 3) **ALL** LIVING CHILDREN WILL BE PROTECTED EQUALLY.

- A) **CHILDREN** WITH POOR PROGNOSIS OR DISABILITY WILL BE PROTECTED FROM PURPOSEFUL DEATH TO LIVE THEIR ONE LIFE TO THEIR FULLEST EXTENT POSSIBLE.
  - B) **CHILDREN** WILL BE PROTECTED FROM PURPOSEFUL DEATH REGARDLESS OF AGE, DEVELOPMENTAL ABILITY OR DISABILITY, HEALTH, ESTIMATED PROGNOSIS, SEX/GENDER, SOCIO-ECONOMIC BACKGROUND, ORIGIN, NATIONALITY, OR ETHNICITY.
  - C) **CHILDREN** WHOSE PARENTS DO NOT WANT THEM, OR CANNOT CARE FOR THEM, MAY BE PLACED IN A LOVING HOME BY THEIR PARENTS THROUGH A REPUTABLE ADOPTION AGENCY OR IN THE HOME OF A KNOWN AND TRUSTED EXTENDED FAMILY MEMBER.
  - D) **CHILDREN** WHOSE PARENTS ARE FACING CHALLENGES WILL BE REFERRED TO AVAILABLE RESOURCES TO ADDRESS THE SPECIFIC CHALLENGES THAT DO NOT INVOLVE KILLING THE CHILD.
  - E) **CHILDREN** CONCEIVED FROM RAPE OR INCEST WILL BE PROTECTED EQUALLY AS OTHER CHILDREN.
  - F) **CHILDREN** WHOSE MOTHERS' LIVES ARE PHYSICALLY THREATENED WILL NOT BE PURPOSEFULLY KILLED, AND EVERY ATTEMPT WILL BE MADE TO SAVE BOTH LIVES OF MOTHER AND CHILD, AND NEITHER LIFE WILL BE INTENTIONALLY KILLED.
- 4) **PENALTIES.** ANY PERSON WHO MURDERS A CHILD AT ANY AGE OR STAGE OF DEVELOPMENT AT ANY TIME PRIOR TO, DURING, OR AFTER BIRTH, OR KNOWINGLY ENGAGES IN CONDUCT THAT AIDS OR ABETS KILLING A CHILD, INCLUDING PAYMENT OR REIMBURSEMENT FOR KILLING A CHILD, WILL BE HELD TO EQUAL PENALTIES TO HOMICIDE OF AN AT-RISK ADULT, OR AIDING AND ABETTING HOMICIDE OF AN AT-RISK ADULT.
- 5) **ENFORCEMENT.** THE ATTORNEY GENERAL OF COLORADO SHALL HAVE CONCURRENT JURISDICTION WITH LOCAL LAW ENFORCEMENT AND DISTRICT ATTORNEYS TO INVESTIGATE, ARREST, AND PROSECUTE THE UNLAWFUL CONDUCT CREATED PURSUANT TO SECTION 18-6-903.
- A) ANY PERSON, REGARDLESS OF RELATIONSHIP TO THE CHILD, MAY BRING A CIVIL ACTION AGAINST ANY PERSON WHO KNOWINGLY ENGAGES IN CONDUCT THAT AIDS OR ABETS KILLING A CHILD AT ANY TIME PRIOR TO, DURING, OR AFTER BIRTH, INCLUDING PAYMENT OR REIMBURSEMENT FOR KILLING A CHILD.

**SECTION-4 2. Effective date-applicability-self-executing.** (1) This statute shall be self-executing, severable, effective at once, and repeal all conflicting statutes and applies to offenses committed on or after said date. Repealing words is not a “constitutional amendment.”

## COLORADO CONSTITUTION

The third paragraph of Article 3 of Section 101 of title 18 is unaffected except repealing words from paragraph 3: ~~“Person’ does not include a fetus, even if the child is born following the injury which ultimately results in its death.”~~ and striking from the forth paragraph ~~“Born and”~~, leaving “was alive at the time of the homicidal act...,” and striking from (2) ~~“who had been born and”~~, leaving “was alive at the time of the homicidal act.”