

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 07-0263.01 Michael Dohr

**SENATE BILL 07-071**

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**SENATE SPONSORSHIP**

**Schultheis**, Brophy, Harvey, Kopp, Mitchell S., Renfroe, and Wiens

**HOUSE SPONSORSHIP**

**Lundberg**, and Stephens

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING INCREASING THE PENALTY FOR ATTACKS AGAINST A**  
102             **PREGNANT WOMAN THAT RESULT IN DEATH TO THE PREGNANT**  
103             **WOMAN'S FETUS, AND MAKING AN APPROPRIATION THEREFOR.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Makes killing a fetus in certain circumstances a class 1 felony.

Requires the state court administrator to provide an annual report to the judiciary committees concerning the number of prosecutions and convictions related to attacks on pregnant women and, in each case, the relationship between the victim and the perpetrator.

Makes a 5-year appropriation.

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.*

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

2           **SECTION 1.** 18-3-102 (1) (a), (1) (b), and (1) (d), Colorado  
3 Revised Statutes, are amended to read:

4           **18-3-102. Murder in the first degree.** (1) A person commits the  
5 crime of murder in the first degree if:

6           (a) After deliberation and with the intent to cause the death of a  
7 person other than himself OR HERSELF OR OF A FETUS, he OR SHE causes  
8 the death of that person OR FETUS or of another person OR FETUS; or

9           (b) Acting either alone or with one or more persons, he or she  
10 commits or attempts to commit arson, robbery, burglary, kidnapping,  
11 sexual assault as prohibited by section 18-3-402, sexual assault in the first  
12 or second degree as prohibited by section 18-3-402 or 18-3-403 as those  
13 sections existed prior to July 1, 2000, or a class 3 felony for sexual assault  
14 on a child as provided in section 18-3-405 (2), or the crime of escape as  
15 provided in section 18-8-208, and, in the course of or in furtherance of the  
16 crime that he or she is committing or attempting to commit, or of  
17 immediate flight therefrom, the death of a person, other than one of the  
18 participants, OR OF A FETUS is caused by anyone; or

19           (d) Under circumstances evidencing an attitude of universal  
20 malice manifesting extreme indifference to the value of human life  
21 generally, he OR SHE knowingly engages in conduct ~~which~~ THAT creates  
22 a grave risk of death to a person or persons, other than himself OR  
23 HERSELF, OR TO A FETUS, and thereby causes the death of another PERSON  
24 OR FETUS; or

25           **SECTION 2.** 13-3-101, Colorado Revised Statutes, is amended  
26 BY THE ADDITION OF A NEW SUBSECTION to read:

1           **13-3-101. State court administrator - repeal.** (9) THE STATE  
2 COURT ADMINISTRATOR SHALL PROVIDE A REPORT ANNUALLY ON  
3 JANUARY 31 OF EACH YEAR TO THE JUDICIARY COMMITTEES OF THE HOUSE  
4 OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,  
5 CONCERNING, FOR THE PREVIOUS FISCAL YEAR, THE NUMBER OF  
6 PROSECUTIONS AND CONVICTIONS INVOLVING SECTIONS 18-3-102 AND  
7 18-3.5-101, C.R.S., FOR WHICH THE VICTIM WAS A FETUS AND THE  
8 NUMBER OF DEFENDANTS WHO RECEIVED AN AGGRAVATED SENTENCE  
9 PURSUANT TO SECTION 18-1.3-401 (13), C.R.S. IN ADDITION, THE REPORT  
10 SHALL ALSO INCLUDE THE RELATIONSHIP BETWEEN THE VICTIM AND  
11 PERPETRATOR IN EACH OF THE CASES REPORTED.

12           **SECTION 3.** Part 1 of article 1 of title 17, Colorado Revised  
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
14 read:

15           **17-1-163. Appropriation to comply with section 2-2-703 - SB**  
16 **07-####.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING  
17 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE  
18 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT S.B. 07-\_\_\_\_, ENACTED  
19 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY:

20           (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION  
21 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM  
22 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
23 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
24 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

25           (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN  
26 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
27 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN

1 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE  
2 FUND CREATED IN SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

3 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION  
4 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
5 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
6 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

7 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION  
8 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
9 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
10 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
11 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

12 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION  
13 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
14 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
15 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

16 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN  
17 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
18 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN  
19 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE  
20 FUND CREATED IN SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

21 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION  
22 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
23 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
24 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

25 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION  
26 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
27 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,

1 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
2 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

3 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION  
4 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
5 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
6 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

7 **SECTION 4.** The introductory portion to 24-75-302 (2) and  
8 24-75-302 (2) (t), (2) (u), (2) (v), and (2) (w), Colorado Revised Statutes,  
9 are amended, and the said 24-75-302 (2) is further amended BY THE  
10 ADDITION OF A NEW PARAGRAPH, to read:

11 **24-75-302. Capital construction fund - capital assessment fees**  
12 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter  
13 through July 1, ~~2010~~ 2011, a sum as specified in this subsection (2) shall  
14 accrue to the capital construction fund. The state treasurer and the  
15 controller shall transfer such sum out of the general fund and into the  
16 capital construction fund as moneys become available in the general fund  
17 during the fiscal year beginning on said July 1. Transfers between funds  
18 pursuant to this subsection (2) shall not be deemed to be appropriations  
19 subject to the limitations of section 24-75-201.1. The amount which shall  
20 accrue pursuant to this subsection (2) shall be as follows:

21 (t) On July 1, 2007, four hundred sixteen thousand eight hundred  
22 two dollars pursuant to H.B. 03-1004, enacted at the first regular session  
23 of the sixty-fourth general assembly; plus fifty-five thousand five hundred  
24 seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular  
25 session of the sixty-fourth general assembly; plus thirteen thousand eight  
26 hundred ninety-three dollars pursuant to H.B. 04-1021, enacted at the  
27 second regular session of the sixty-fourth general assembly; plus

1 twenty-two million eight hundred eighty-five thousand three hundred  
2 eighty-six dollars pursuant to H.B. 06-1373, enacted at the second regular  
3 session of the sixty-fifth general assembly; plus two hundred nine  
4 thousand two hundred sixty-six dollars pursuant to S.B. 06-206, enacted  
5 at the second regular session of the sixty-fifth general assembly; plus two  
6 hundred nine thousand two hundred sixty-six dollars pursuant to S.B.  
7 06-207, enacted at the second regular session of the sixty-fifth general  
8 assembly; plus six hundred ten thousand three hundred fifty-eight dollars  
9 pursuant to H.B. 06-1326, enacted at the second regular session of the  
10 sixty-fifth general assembly; plus sixty-nine thousand seven hundred  
11 fifty-five dollars pursuant to H.B. 06-1151, enacted at the second regular  
12 session of the sixty-fifth general assembly; plus five hundred twenty-three  
13 thousand one hundred sixty-four dollars pursuant to H.B. 06-1011,  
14 enacted at the second regular session of the sixty-fifth general assembly;  
15 plus seventeen thousand four hundred thirty-nine dollars pursuant to S.B.  
16 06S-005, enacted at the first extraordinary session of the sixty-fifth  
17 general assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO S.B. 07-\_\_\_\_,  
18 ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL  
19 ASSEMBLY;

20 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven  
21 dollars pursuant to H.B. 04-1021, enacted at the second regular session  
22 of the sixty-fourth general assembly; plus three hundred ninety-two  
23 thousand three hundred seventy-three dollars pursuant to S.B. 06-206,  
24 enacted at the second regular session of the sixty-fifth general assembly;  
25 plus three hundred ninety-two thousand three hundred seventy-three  
26 dollars pursuant to S.B. 06-207, enacted at the second regular session of  
27 the sixty-fifth general assembly; plus four hundred sixty-two thousand

1 one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the  
2 second regular session of the sixty-fifth general assembly; plus twenty-six  
3 thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145,  
4 enacted at the second regular session of the sixty-fifth general assembly;  
5 plus five hundred twenty-three thousand one hundred sixty-four dollars  
6 pursuant to H.B. 06-1011, enacted at the second regular session of the  
7 sixty-fifth general assembly; plus sixty-nine thousand seven hundred  
8 fifty-five dollars pursuant to S.B. 06S-004, enacted at the first  
9 extraordinary session of the sixty-fifth general assembly; PLUS \_\_\_\_\_  
10 DOLLARS PURSUANT TO S.B. 07-\_\_\_\_, ENACTED AT THE FIRST REGULAR  
11 SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

12 (v) On July 1, 2009, five hundred twenty-three thousand one  
13 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second  
14 regular session of the sixty-fifth general assembly; plus five hundred  
15 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.  
16 06-207, enacted at the second regular session of the sixty-fifth general  
17 assembly; plus forty-three thousand five hundred ninety-seven dollars  
18 pursuant to H.B. 06-1145, enacted at the second regular session of the  
19 sixty-fifth general assembly; plus five hundred twenty-three thousand one  
20 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the  
21 second regular session of the sixty-fifth general assembly; PLUS \_\_\_\_\_  
22 DOLLARS PURSUANT TO S.B. 07-\_\_\_\_, ENACTED AT THE FIRST REGULAR  
23 SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

24 (w) On July 1, 2010, five hundred twenty-three thousand one  
25 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second  
26 regular session of the sixty-fifth general assembly; plus five hundred  
27 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.

1 06-207, enacted at the second regular session of the sixty-fifth general  
2 assembly; plus forty-three thousand five hundred ninety-seven dollars  
3 pursuant to H.B. 06-1145, enacted at the second regular session of the  
4 sixty-fifth general assembly; plus five hundred twenty-three thousand one  
5 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the  
6 second regular session of the sixty-fifth general assembly; plus sixty-nine  
7 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,  
8 enacted at the first extraordinary session of the sixty-fifth general  
9 assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO S.B. 07-\_\_\_\_, ENACTED  
10 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

11 (x) ON JULY 1, 2011, \_\_\_\_\_ DOLLARS PURSUANT TO S.B. 07-\_\_\_\_,  
12 ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL  
13 ASSEMBLY.

14 **SECTION 5. Effective date - applicability.** This act shall take  
15 effect July 1, 2007, and shall apply to offenses committed on or after said  
16 date.

17 **SECTION 6. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, and safety.