

Amendment 67 Definition of Person and Child

BALLOT TITLE AND TEXT

The ballot title below is a summary drafted by the professional staff of the offices of the secretary of state, the attorney general, and the legal staff for the general assembly for ballot purposes only. The ballot title will not appear in the Colorado constitution. The text of the measure that will appear in the Colorado constitution below was drafted by the proponents of the initiative. The initiated measure is included on the ballot as a proposed change to current law because the proponents gathered the required amount of petition signatures.

Ballot Title: Shall there be an amendment to the Colorado constitution protecting pregnant women and unborn children by defining "person" and "child" in the Colorado criminal code and the Colorado wrongful death act to include unborn human beings?

Text of Measure:

Be it Enacted by the People of the State of Colorado:

In the constitution of state of Colorado, Article XVIII, **add** (17) as follows:

Section 17. Protection of Pregnant Mothers and Unborn Children

(1) Purpose and findings. IN 2009, JUDGES OF THE COLORADO STATE COURT OF APPEALS IN PEOPLE V. LAGE 232 P.3d 138 (COLO. APP. 2009) CONCLUDED THAT:

(a) "THERE IS NO DEFINITION OF 'PERSON' OR 'CHILD' OF GENERAL APPLICABILITY IN THE CRIMINAL CODE" (MAJORITY OPINION BY JUDGE ROY); AND

(b) "THIS IS AN AREA THAT CRIES OUT FOR NEW LEGISLATION. OUR GENERAL ASSEMBLY, UNLIKE CONGRESS AND MOST STATE LEGISLATURES, HAS PRECLUDED HOMICIDE PROSECUTIONS FOR KILLING THE UNBORN" (JUDGE CONNELLY CONCURRING IN PART AND DISSENTING IN PART).

(2) Definitions. IN THE INTEREST OF THE PROTECTION OF PREGNANT MOTHERS AND THEIR UNBORN CHILDREN FROM CRIMINAL OFFENSES AND NEGLIGENT AND WRONGFUL ACTS, THE WORDS "PERSON" AND "CHILD" IN THE COLORADO CRIMINAL CODE AND THE COLORADO WRONGFUL DEATH ACT MUST INCLUDE UNBORN HUMAN BEINGS.

(3) Self-executing, and severability provision. ALL PROVISIONS OF THIS SECTION ARE SELF-EXECUTING AND ARE SEVERABLE.

(4) Effective date. ALL PROVISIONS OF THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR PURSUANT TO SECTION 1(4) OF ARTICLE V.