



## FREQUENTLY ASKED QUESTIONS

### What is the Brady Amendment about?

The Brady Amendment will protect pregnant mothers and their unborn babies from violent and dangerous criminals. The Brady Amendment is named after Brady Surovik, who was only days from being born when his life was taken from him by a repeat drunk driver in Longmont, Colorado.

Because Colorado does not recognize Brady as a person, there was no prosecution for his tragic death. Brady was eight pounds, two ounces.

Brady's mom, Heather Surovik, started this Amendment initiative to honor the memory of her son, who like so many unborn babies had his life cut short by a violent criminal.

The Brady Amendment will cause the State of Colorado to recognize that there are two victims when a pregnant woman is harmed.

### Is violence against pregnant mothers and their unborn babies common?

According to the National Organization for Women, homicide is the leading cause of death among pregnant women. (<http://www.now.org/issues/violence/043003pregnant.html>)

### Is the Brady Amendment about abortion?

The Brady Amendment does not mention abortion, but it also does not endorse abortion in any way. The Brady Amendment affirms human life while changing the Colorado Criminal Code and Colorado Wrongful Death Act. These changes allow for prosecution in cases such as Brady's, guaranteeing that taking the life of a child carries the same penalties as taking the life of an adult.

## Is the Brady Amendment the same as previous Personhood amendments ?

No. The Brady Amendment states, "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."

## Is the Brady Amendment necessary?

Heather's situation, like that of other women who have suffered similar tragedies, demonstrates the need for an amendment to the Colorado Constitution - and the Colorado Courts agree.

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).

Thirty-eight states have fetal homicide laws. Even with the recent passage of HB 1154, Colorado offers among the fewest penalties of any state for those who commit violent crimes against pregnant women.

Homicide is the leading cause of death for pregnant women. Criminal penalties for those who kill unborn children could prevent the deaths of both pregnant women and their babies.

It is important that we pass this amendment to be a voice for Brady, bringing to light the dismissal of the pain that these pregnant victims suffer.

There have been cases of drunk driving accidents and violence against pregnant women nearly every year in Colorado for the past ten years. It is critical that we pass the Brady amendment to protect pregnant women and children in Colorado.

The Brady Amendment is vitally important to expectant mothers and their unborn children in Colorado, serving as a deterrent to anyone who thinks that he can injure or kill an unborn child with minimal consequences.