



Amendment 67 Fact Sheet

Introduction

The Brady Amendment (Amendment 67) would recognize unborn human beings as persons within the Colorado Criminal Code. If an action would be a criminal offense if committed against a born person, it would also be a criminal offense against an unborn person. The amendment doesn't change the criminality of acts but includes unborn babies as recognizable victims under the law.

Heather Surovik initiated Amendment 67 after a drunk driver killed her unborn baby Brady. She was leaving her last prenatal appointment and Brady was due any day, when the drunk plowed through an intersection and into her car. When Heather awoke in ICU, her baby was gone. The criminal had killed her son. When she was planning his funeral, she found out that Colorado law did not allow prosecution for Brady's death. Under Colorado law, her son Brady didn't count. In a hearing at the Capitol, Heather was told that she didn't lose a son but a pregnancy.

Amendment 67 recognizes that Brady was a victim of crime. But the amendment's opponents don't want to talk about that. Instead, they continually mislead the public with drastic claims that have no basis in fact. They say that Amendment 67 will cause investigations of miscarriages as well as ban contraceptives, in-vitro fertilization (IVF), and life-saving medical procedures. These claims are untrue.

We address each one of these misleading claims below:

Investigating Miscarriages

Miscarriage is a tragedy, not a crime; Amendment 67 only deals with criminal acts. Even prior to *Roe v. Wade* when abortion was illegal in the United States, women were not investigated for miscarriages. Today, abortion is completely illegal in nations like Ireland, yet women are not investigated for miscarriages. Why? Because sadly, miscarriages are very common. They do not provide probable cause or even reasonable suspicion of a crime. Police have no reason to waste their time (and endanger their careers) investigating non-crimes.

Of course, when groups like the National Advocates for Pregnant Women say that Amendment 67 would criminalize miscarriage, they are being extremely disingenuous. Their organization, which defends the use of dangerous illegal drugs during pregnancy, frequently classifies instances of infanticide as "miscarriage." For example, National Advocates for Pregnant Women defended Purvi Patel, who gave birth to her child in secret and reportedly thinking it "might be dead," put the child in a bag, threw the baby into a dumpster, and then lied to medical staff at the local hospital about what had happened. Yet Lynn Paltrow and her organization treats this situation as if it were a normal miscarriage!

KUSA News 9 fact-checked this miscarriage-investigation claim and abortion advocates could provide no evidence to support it. See the news report [here](#).

Life-Saving Medical Treatment

Legally speaking...

Nothing in Amendment 67 prevents pregnant mothers from receiving life-saving medical treatment, even when that treatment could result in the death of the unborn child. Even if Colorado law didn't explicitly cover this situation, the doctrines of Double Effect and self-defense would each separately allow such life-saving treatment. It is inconceivable that any district attorney would even approach such an issue.

Setting aside any possibility of doubt, the criminal code in Colorado already contains section CRS 18-1-702 that allows for "choice of evils". This section is unchanged by A67 and would allow life-saving medical treatment (such as for cancer or ectopic pregnancy) to save the mother's life even if it could result in the death of the unborn child.

CRS 18-1-702 ...[C]onduct which would otherwise constitute an offense is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of the actor, and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue.

Under Amendment 67, doctors will continue to enjoy legal immunity for good faith efforts to preserve the lives of pregnant women and their unborn children in Colorado.

Medically speaking...

Amendment 67 would not prevent doctors from providing the best and most appropriate medical treatment for women who are pregnant. Treatment for cancer, for example, would not be affected. In fact, many forms of cancer treatment are safe for both the mother and the child. According to the American Cancer Society, research teams from Belgium, France, and Israel have all published peer-reviewed articles in *The Lancet* and *The Lancet Oncology* indicating that "many cases of cancer in pregnant women can be treated while the baby is carried to full term."

Dr. Frédéric Amant—the world's leading expert in gynecologic oncology and member of the Committee for Excellence in Maternal Healthcare—led the Belgian study, which discovered that unborn children exposed to chemotherapy in the second and third trimesters experienced no adverse effects and "developed just as well as children in the general population."

Dr. Amant affirms—along with 200 OB/GYNs and 700 other medical professionals—that intentionally taking the life of the unborn child is never necessary to treat women for cancer. In his presentation to the International Symposium on Maternal Healthcare, Dr. Amant outlines various methods of cancer treatment in pregnancy which protect both the mother and child.

Under Amendment 67, pregnant women in Colorado will continue to receive the highest standard of care from their doctors.

Contraceptives

Amendment 67 does not affect contraception. It could not ban contraceptive birth control since contraceptives act to stop a new human being from coming into existence. If there's no human being, there's no victim. Opponents of A67 need to prove that any particular form of birth control causes harm to an unborn human being. If certain forms of birth control act to intentionally kill unborn human beings, they should prove it.

IVF

Amendment 67 does not prohibit the use of in-vitro fertilization (IVF). IVF is about creating new human life not destroying it, so it could not be affected by the amendment. If Amendment 67 opponents believe there are certain techniques that IVF clinics engage in which violate the rights of unborn human beings, A67 opponents should specify what those techniques are rather than making unfounded assertions about banning IVF. Amendment 67 would require IVF clinics to treat the embryos in their charge ethically, with reasonable care.

Conclusion

It's despicable that NARAL, Planned Parenthood and other Amendment 67 opponents have misled the public about these unrelated issues. Miscarriage and the loss of unborn children from necessary medical treatments are tragic events that should not be politicized. Yet Amendment 67's opponents want to lie about and hide behind these tragedies to push their political agenda.

Amendment 67's opponents are intentionally distracting from the issue at hand: that Colorado has no fetal homicide law to protect pregnant women and unborn children from criminal acts, such as drunk driving or murder. The Brady Amendment is necessary so that criminals who commit violent acts that harm or kill unborn babies can be prosecuted for those crimes. Parents, such as Heather Surovik, deserve justice for their children.