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June 6, 2013

Sharona Coutts
Director of Research and Investigations
RH Reality Check
Transmitted to: sharona@rhrealitycheck.org

Dear Ms. Coutts:

Regarding your June 4, 2013 CORA request for documents responsive to the May 7, 2013 letter from U.S. Representatives Bob Goodlatte and Trent Franks attached is our responsive letter.

Should you have additional questions, please do not hesitate to contact our office.

Sincerely,

FOR THE ATTORNEY GENERAL

/S/

CAROLYN A. TYLER
COMMUNICATIONS DIRECTOR



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June 3, 2013

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
Congress of the United States
House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515-6216

The Honorable Trent Franks
Chairman, Subcommittee on the Constitution and
Civil Justice
Congress of the United States
House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515-6216

Dear Congressmen Goodlatte and Franks:

In order to assist the Committee with its oversight, the Colorado Attorney General's Office is providing you with our written responses to your inquiry stemming from the trial of Kermit Gosnell. We too are shocked by the tragedy in Pennsylvania and are pleased to inform you that we are unaware of any such activity in Colorado. You should be advised that the Colorado Attorney General's Office has limited criminal jurisdiction. Most homicide cases in Colorado will be handled by the local District Attorneys.

Regarding your questions:

1. In 2002 Congress enacted the Born-Alive Infants Protection Act, which provides that all federal protections for persons apply to every infant born alive. Do prosecutors in your state treat the deliberate killing of newborns, including those newborns who were delivered alive in the process of abortions, as a criminal offense? If so, have there been any prosecutions in your state for this crime? If the answer to the previous question is yes, please provide a log of cases, excluding any personally identifying information.

Under Colorado Revised Statute C.R.S. § 18-3-101 (2012), a newborn is considered a person and their murder would be a homicide. The prosecutors in the Colorado Attorney General's Office would treat the deliberate killing of a newborn as a homicide. Our office, however, has not prosecuted any such cases. We suggest that you also contact the Colorado District Attorney's Council, to inquire as to whether any of the state's district attorneys have prosecuted any such cases.

2. Has the legislature in your state enacted laws, in addition to general laws against homicide or requiring ordinary medical treatment, specifically to protect newborns delivered alive in the process of abortions? If so, how, if at all, have these laws changed prosecutorial practices?

The Colorado General Assembly has not enacted any such laws.

3. The grand jury expressed concern about Pennsylvania's law's applying a statute of limitations to infanticide by neglect that it does not apply to murder. Does your state have different statutes of limitations for culpability in the death of an infant and culpability in the death of human beings in later stages of development? If so, what is the understood rationale for that difference?

Colorado does not have different statutes of limitations for culpability in the death of an infant and culpability in the death of human beings in later stages of development. There is no statute of limitations for homicide in Colorado.

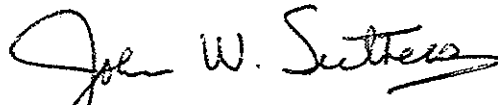
4. Have you or your predecessors prosecuted any criminal cases in which a woman has died or suffered serious complications as a result of an abortion? If so, please provide a log of such cases, excluding any personally identifying information.

The Colorado Attorney General's Office has not prosecuted any criminal cases in which a woman has died or suffered serious complications as a result of an abortion. We suggest that you also contact the Colorado District Attorney's Council to inquire as to whether any of the state's district attorneys have prosecuted any such cases.

5. This Gosnell case has also raised concerns about the effectiveness of state laws that limit, or purport to limit, abortions late in pregnancy. If your state has such a limit, have abortions performed after the statutory limit been prosecuted in your state? If so, please provide a log of such cases, excluding any personally identifying information. If not, are there legal considerations that have prevented such prosecutions from proceeding?

The Colorado Attorney General's Office has not prosecuted any such cases. Colorado does have limits on performing abortions late in pregnancy.

Sincerely,



JOHN W. SUTHERS
Colorado Attorney General