

2004 SESSION

INTRODUCED

044429524

HOUSE BILL NO. 1033

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend the Code of Virginia by adding in Article 4 of Chapter 4 of Title 18.2 a section numbered 18.2-57.4, relating to assault and battery upon a human fetus.

Patron—Tata

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 4 of Title 18.2 a section numbered 18.2-57.4 as follows:

§ 18.2-57.4. Assault and battery upon a human fetus.

For the purposes of this article and the laws of the Commonwealth relating to assault and battery, a human fetus is considered a person and can be the victim of an assault and battery, provided that:

1. The fetus is born alive, with an injury sustained as a result of an act committed upon it while a fetus;

2. The person who committed the act resulting in the injury to the fetus intended to cause injury to or the death of the pregnant woman or her fetus; and

3. The act resulting in the injury to the fetus was not a lawful abortion procedure or an abortion procedure to which the pregnant woman consented.

This section shall apply irrespective of whether the person who committed the act resulting in injury to the fetus knew of the existence of the fetus.

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