

2004 SESSION

INTRODUCED

047612236

HOUSE BILL NO. 196

Offered January 14, 2004

Prefiled January 6, 2004

A BILL to amend the Code of Virginia by adding a section numbered 18.2-32.2, relating to murder of a human fetus; penalty.

Patrons—Black, Athey and Cole

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 a section numbered 18.2-32.2 as follows:

§ 18.2-32.2. Murder of a human fetus; penalty.

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

1. The person who committed the act or acts resulting in the death of the fetus did so with malice aforethought;

2. The person intended to cause the death of the pregnant woman or her fetus;

3. The act or acts resulting in the death of the fetus were not a lawful abortion or an abortion to which the pregnant woman consented; and

4. The person who committed the act or acts resulting in the death of the fetus was not the pregnant woman whose fetus was killed.

This section shall apply irrespective of whether the person who committed the act or acts resulting in the death of the fetus knew of the pregnancy of the woman or the existence of the fetus. For the purposes of this section, a fetus is the product of human conception in any stage of development.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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