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HOUSE BILL NO. 1**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice)

(Patrons Prior to Substitute—Delegates Cosgrove, Bell [HB 671] and Lingamfelter [HB 378])

House Amendments in [] - February 5, 2004

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

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. Killing a fetus; penalty.**

A. Any person who unlawfully, willfully, deliberately, maliciously and with premeditation kills the fetus of another is guilty of a Class 2 felony.

B. Any person who unlawfully, willfully, deliberately and maliciously kills the fetus of another is guilty of a felony punishable by confinement in a state correctional facility for not less than five nor more than 40 years.

[C. Any person who unlawfully, willfully and deliberately, without malice, kills the fetus of another is guilty of a Class 5 felony.]

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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

ENGROSSED

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