

041407372

HOUSE BILL NO. 230

Offered January 14, 2004

Prefiled January 7, 2004

A BILL to amend the Code of Virginia by adding a section numbered 18.2-51.5 and by adding in Article 3 of Chapter 12 of Title 18.2 a section numbered 18.2-510.1, relating to protection of infants; penalty.

Patrons—Kilgore and Black

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 18.2-51.5 and by adding in Article 3 of Chapter 12 of Title 18.2 a section numbered 18.2-510.1 as follows:

§ 18.2-51.5. Death or bodily injury of child in utero; penalty.

A. Any person, other than the mother of the child, who willfully, deliberately, and intentionally engages in unlawful conduct that causes the death of, or permanent, serious bodily injury to a child who is in utero at the time the conduct occurs is guilty of a Class 2 felony.

B. Any person, other than the mother of the child, who willfully and deliberately engages in unlawful conduct that causes the death of a child who is in utero at the time the conduct occurs is guilty of a Class 4 felony.

C. Any person, other than the mother of the child, who willfully and deliberately engages in unlawful conduct that causes permanent, serious bodily injury to a child who is in utero at the time the conduct occurs is guilty of a Class 4 felony.

D. A violation of this section shall constitute a separate and distinct felony.

§ 18.2-510.1. Duty to report childbirth; concealing birth or parents' identity; penalty.

A. Any woman who, without a health care professional in attendance, gives birth after more than 24 weeks have elapsed since the beginning of her last menstrual period and who, though she is reasonably able to do so, fails to report the birth, whether a live birth or stillbirth, within 72 hours of the event, to the health department or to a law-enforcement agency is guilty of a Class 1 misdemeanor.

B. If such birth is a stillbirth or if the infant dies prior to the birth being reported to the health department or law-enforcement agency, any person who takes any action to conceal the birth or to conceal the identity of a parent of an infant, whose birth was not attended by a health care professional and not reported as required by subsection A, from the health department or a law-enforcement agency is guilty of a Class 6 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 and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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