

# 2004 SESSION

INTRODUCED

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## HOUSE BILL NO. 378

Offered January 14, 2004

Prefiled January 12, 2004

*A BILL to amend the Code of Virginia by adding a section numbered 18.2-32.2, relating to murder of an unborn child; penalty.*

Patrons—Lingamfelter 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 18.2-32.2 as follows:**

**§ 18.2-32.2. Murder of an unborn child; penalty.**

*For the purposes of this article and the laws of the Commonwealth relating to murder, an unborn child 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 unborn child did so with malice aforethought;*

*2. The person intended to cause the death of the pregnant woman or her unborn child;*

*3. The act or acts resulting in the death of the unborn child 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 unborn child was not the pregnant woman whose unborn child was killed.*

*This section shall apply irrespective of whether the person who committed the act or acts resulting in the death of the unborn child knew of the pregnancy of the woman.*

**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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