

2004 SESSION

INTRODUCED

040005408

HOUSE BILL NO. 772

Offered January 14, 2004

Prefiled January 14, 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.

Patron—McDougle

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. For the purposes of this section, an unborn child is the product of human conception in its third trimester.

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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