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HOUSE BILL NO. 312

Offered January 9, 2008

Prefiled January 4, 2008

A BILL to amend the Code of Virginia by adding a section numbered 18.2-36.3, relating to unintentional cause of miscarriage or stillbirth; penalty.

Patrons—Landes, Athey, Cole, Gilbert, Hugo, Lingamfelter, Lohr, Massie, Merricks and Sherwood

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 18.2-36.3 as follows:

§ 18.2-36.3. Unintentionally causing miscarriage or stillbirth; penalty.

A. Any person who, while engaged in conduct so gross, wanton, and culpable so as to show a reckless disregard for the life or safety of others, causes injury to another person who is pregnant and that injury results in a miscarriage or stillbirth, is guilty of a Class 5 felony.

B. When the injury described in subsection A is caused by a person (i) under the influence of an illegal Schedule I or II controlled substance, marijuana, or alcohol, (ii) while operating a motor vehicle when his license is suspended pursuant to § 18.2-266, 18.2-266.1, 46.2-301, or 46.2-357, or (iii) while committing an act in violation of § 18.2-57.2, such person is guilty of a Class 4 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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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