

2010 SESSION

SENATE SUBSTITUTE

10105973D

HOUSE BILL NO. 1033

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on March 8, 2010)

(Patron Prior to Substitute—Delegate Byron)

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-32.3 as follows:

§ 18.2-32.3 Human infant; independent and separate existence.

For the purposes of this article and § 18.2-371.1, the determination of an independent and separate existence of a human infant from its mother shall not be conditioned solely upon whether or not the umbilical cord has been cut or the placenta detached.

2. That the provisions of this act are declarative of existing law.

3. 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; therefore, Chapter 781 of the Acts of Assembly of 2009 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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HB1033S1