

2010 SESSION

HOUSE SUBSTITUTE

10105645D

SENATE BILL NO. 602

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 26, 2010)

(Patron Prior to Substitute—Senator Newman)

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-32.3, relating to human infant; independent and separate existence.*

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, a human infant who has been born alive and is fully brought forth from the body of the mother has achieved an independent and separate existence from the mother, regardless of whether the umbilical cord has been cut or the placenta detached.

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; 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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