

2022 SESSION

SENATE SUBSTITUTE

22105356D

SENATE BILL NO. 122

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on January 26, 2022)

(Patrons Prior to Substitute—Senators Obenshain and Hanger [SB 155])

A BILL to amend and reenact § 18.2-32.2 of the Code of Virginia, relating to killing the fetus of another; manslaughter; penalties.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-32.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-32.2. Killing a fetus; penalties.

A. Any person who unlawfully, willfully, deliberately, maliciously, and with premeditation kills the fetus of another is guilty of a Class 2 felony.

B. Any person who unlawfully, willfully, deliberately, and maliciously kills the fetus of another is guilty of a felony punishable by confinement in a state correctional facility for not less than five nor more than 40 years.

C. Any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter.

D. Any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter.

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 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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