

1998 SESSION

INTRODUCED

981963657

SENATE BILL NO. 198

Offered January 14, 1998

A *BILL* to amend the Code of Virginia by adding a section numbered 18.2-36.2, relating to feticide; penalty.

Patron—Forbes

Referred to the 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 18.2-36.2 as follows:

§ 18.2-36.2. Murder of a human fetus.

For the purposes of this article and the laws of the Commonwealth relating to murder, a human fetus 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 fetus did so maliciously;

2. The person intended to cause the death of the pregnant woman or her fetus;

3. The act or acts resulting in the death of the fetus were not a lawful abortion or an abortion to which the pregnant woman consented;

4. The fetus had developed sufficiently so that it was viable; and

5. The person who committed the act or acts resulting in the death of the fetus was not the pregnant woman whose fetus was killed.

This section shall apply irrespective of whether the person who committed the act or acts resulting in the death of the fetus knew of the pregnancy of the woman or the existence of the fetus.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0.

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