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INJURY TO PREGNANT WOMEN DURING COMMISSION OF CRIME

House Bill 5531

Sponsor: Rep. Laura Baird

Committee: Judiciary and Civil Rights

Complete to 3-15-96

A SUMMARY OF HOUSE BILL 5531 AS INTRODUCED 1-30-96

The bill would amend the penal code to create a new felony: injuring a pregnant woman during the commission of a crime, where the injury resulted in miscarriage or serious injury to the fetus.

More specifically, if a person injured a pregnant woman by committing (or attempting to commit) a crime and that injury resulted in a miscarriage or serious injury to the fetus, the person would be guilty of a felony and imprisoned for a determinate term of not more than five years. If the person knew (or had reason to know) that the woman was pregnant, the person would be guilty of a felony punishable by a determinate term of imprisonment for up to ten years. ("Person" would mean an individual, partnership, association, limited liability company, corporation, or other entity, but wouldn't include a governmental entity.)

The mandatory term of imprisonment in the bill would be in addition to the sentence imposed for the underlying crime and couldn't be suspended. In prosecuting a violation under the bill during the first trimester of pregnancy, the prosecuting attorney would be required to prove the existence of the pregnancy either through a laboratory test or the testimony of a physician or other licensed medical professional.

The bill would not apply to acts committed by pregnant women nor to physicians performing legal abortions.

MCL 750.90a

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.