



HOUSE BILL No. 5531

January 30, 1996, Introduced by Reps. Baird, Wallace, Fitzgerald, Profit, Munsell, Curtis, Clack, Freeman, Galloway, Schroer, Dobronski and Bush and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 90a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 90a to read as follows:

4 SEC. 90A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), IF A
5 PERSON INJURES A PREGNANT WOMAN BY COMMITTING OR ATTEMPTING TO
6 COMMIT A CRIME AND THAT INJURY RESULTS IN A MISCARRIAGE OR SERI-
7 OUS INJURY TO THE FETUS, THE PERSON IS GUILTY OF A FELONY AND
8 SHALL BE IMPRISONED FOR A DETERMINATE TERM OF NOT MORE THAN 5
9 YEARS.

1 (2) IF A PERSON KNOWS OR HAS REASON TO KNOW THAT A WOMAN IS
2 PREGNANT AND INJURES THAT WOMAN BY COMMITTING OR ATTEMPTING TO
3 COMMIT A CRIME AND THAT INJURY RESULTS IN A MISCARRIAGE OR SERI-
4 OUS INJURY TO THE FETUS, THE PERSON IS GUILTY OF A FELONY AND
5 SHALL BE IMPRISONED FOR A DETERMINATE TERM OF NOT MORE THAN 10
6 YEARS.

7 (3) THE MANDATORY TERM OF IMPRISONMENT PRESCRIBED BY THIS
8 SECTION IS IN ADDITION TO THE SENTENCE IMPOSED FOR THE CONVICTION
9 OF THE UNDERLYING CRIME OR ATTEMPT TO COMMIT THE CRIME. THE TERM
10 OF IMPRISONMENT PRESCRIBED BY THIS SECTION SHALL BE SERVED CON-
11 SECUTIVELY WITH AND PRECEDING ANY TERM OF IMPRISONMENT IMPOSED
12 FOR THE CONVICTION OF THE UNDERLYING CRIME OR ATTEMPT TO COMMIT
13 THE CRIME.

14 (4) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION SHALL
15 NOT BE SUSPENDED.

16 (5) IN A PROSECUTION OF A VIOLATION OF THIS SECTION COMMIT-
17 TED DURING THE FIRST TRIMESTER OF PREGNANCY, THE PROSECUTING
18 ATTORNEY SHALL PROVE THE EXISTENCE OF THE PREGNANCY BY EVIDENCE
19 OF A LABORATORY ANALYSIS OR BY TESTIMONY OF A PHYSICIAN OR OTHER
20 LICENSED MEDICAL PROFESSIONAL.

21 (6) THIS SECTION DOES NOT APPLY TO AN ACT COMMITTED BY THE
22 PREGNANT WOMAN.

23 (7) THIS SECTION DOES NOT APPLY TO A PHYSICIAN PERFORMING A
24 LAWFUL ABORTION.

25 (8) AS USED IN THIS SECTION, "PERSON" MEANS AN INDIVIDUAL,
26 PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION,
27 OR OTHER ENTITY. PERSON DOES NOT INCLUDE A GOVERNMENTAL ENTITY.