



# SENATE BILL No. 515

May 9, 1995, Introduced by Senators VAN REGENMORTER, DINGELL, EMMONS, STEIL, NORTH, SHUGARS, MC MANUS, KOIVISTO and ROGERS and referred to the Committee on Judiciary.

A bill to define certain crimes against prenatal children; to define and allow certain practices; and to prescribe certain penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as "the  
2 prenatal protection act".

3       Sec. 2. As used in this act, "unborn child" means the  
4 unborn offspring of a human being at any time or stage of devel-  
5 opment from conception until birth.

6       Sec. 3. (1) Except as otherwise provided in this act, a  
7 person who maliciously causes the death of an unborn child by any  
8 assault or infliction of injury upon the mother of the unborn  
9 child, or by any other means or action, is guilty of a felony  
10 punishable by imprisonment for life or any term of years.

1       (2) As used in this section, "maliciously" means any of the  
2 following:

3       (a) With the intent to cause the death of the unborn child,  
4 the unborn child's mother, or another person.

5       (b) With the intent to cause great bodily harm to the unborn  
6 child, the unborn child's mother, or another person.

7       (c) In willful or reckless disregard of the likelihood that  
8 the natural tendency of the assault, infliction of injury, or  
9 other action taken will be to cause the death of, or great bodily  
10 harm to, the unborn child, the unborn child's mother, or another  
11 person.

12       Sec. 4. A person who causes the death of an unborn child in  
13 violation of section 3 is guilty of a felony, and shall be pun-  
14 ished by imprisonment for life without opportunity for parole, if  
15 the assault, infliction of injury, or other action causing the  
16 death of the unborn child is committed with a premeditated intent  
17 to cause the death of the unborn child, the unborn child's  
18 mother, or another person.

19       Sec. 5. (1) A person who causes the death of an unborn  
20 child in violation of section 3 is guilty of a felony, and shall  
21 be punished by imprisonment for life without opportunity for  
22 parole, if the assault, infliction of injury, or other action  
23 causing the death of the unborn child is committed in the perpe-  
24 tration or attempted perpetration of a criminal offense involving  
25 burning of a building, criminal sexual conduct in the first or  
26 third degree, child abuse in the first degree, a major controlled

1 substance offense, robbery, home invasion, larceny of any kind,  
2 extortion, or kidnapping.

3 (2) As used in this section, "major controlled substance  
4 offense" means any of the following:

5 (a) A violation of section 7401(2)(a)(i) to (iii) of the  
6 public health code, Act No. 368 of the Public Acts of 1978, being  
7 section 333.7401 of the Michigan Compiled Laws.

8 (b) A violation of section 7403(2)(a)(i) to (iii) of the  
9 public health code, Act No. 368 of the Public Acts of 1978, being  
10 section 333.7403 of the Michigan Compiled Laws.

11 (c) A conspiracy to commit an offense listed in subdivision  
12 (a) or (b).

13 Sec. 6. Except as otherwise provided in this act, a person  
14 who causes the death of an unborn child by any assault or inten-  
15 tional infliction of injury upon the mother of the unborn child  
16 is guilty of a felony punishable by imprisonment for not more  
17 than 15 years or a fine of not more than \$7,500.00, or both.

18 Sec. 7. Except as otherwise provided in this act, a person  
19 who commits a grossly negligent act that is a direct and substan-  
20 tial cause of the death of an unborn child is guilty of a felony  
21 punishable by imprisonment for not more than 15 years or a fine  
22 of not more than \$7,500.00, or both.

23 Sec. 8. A person who assaults or inflicts an injury upon a  
24 woman, known by that person to be pregnant, with the intent to  
25 cause the death of the woman's unborn child is guilty of a felony  
26 punishable by imprisonment for life or any term of years.

1       Sec. 9. A person who assaults or inflicts an injury upon a  
2 woman, known by that person to be pregnant, with the intent to  
3 cause great bodily harm to the woman's unborn child is guilty of  
4 a felony punishable by imprisonment for not more than 15 years or  
5 a fine of not more than \$7,500.00, or both.

6       Sec. 10. Except as otherwise provided in this act, a person  
7 who causes an aggravated injury to an unborn child by any assault  
8 or intentional infliction of injury upon the mother of the unborn  
9 child is guilty of a misdemeanor punishable by imprisonment for  
10 not more than 1 year or a fine of not more than \$1,000.00, or  
11 both.

12       Sec. 11. A person who drives any vehicle upon a highway  
13 carelessly and heedlessly in willful and wanton disregard of the  
14 rights or safety of others, or without due caution and circum-  
15 spection and at a speed or in a manner so as to endanger or be  
16 likely to endanger any person or property and thereby causing  
17 great bodily harm to an unborn child, but not causing death, is  
18 guilty of a misdemeanor punishable by imprisonment for not more  
19 than 2 years or a fine of not more than \$1,000.00, or both.

20       Sec. 12. A person who, by the operation of any vehicle upon  
21 any highway or upon any other property, public or private, at an  
22 immoderate rate of speed or in a careless, reckless or negligent  
23 manner, but not willfully or wantonly, shall cause the death of  
24 an unborn child is guilty of a misdemeanor punishable by impris-  
25 onment for not more than 2 years or a fine of not more than  
26 \$2,000.00, or both.

1       Sec. 13. A person who operates a vehicle in violation of  
2 section 625(1) or (3) of the Michigan vehicle code, Act No. 300  
3 of the Public Acts of 1949, being section 257.625 of the Michigan  
4 Compiled Laws, and causes the death of an unborn child is guilty  
5 of a felony punishable by imprisonment for not more than 15 years  
6 or a fine of not less than \$2,500.00 or more than \$10,000.00, or  
7 both.

8       Sec. 14. A person who operates a vehicle in violation of  
9 section 625(1) or (3) of the Michigan vehicle code, Act No. 300  
10 of the Public Acts of 1949, being section 257.625 of the Michigan  
11 Compiled Laws, and causes great bodily harm to an unborn child is  
12 guilty of a felony punishable by imprisonment for not more than 5  
13 years or a fine of not less than \$1,000.00 or more than  
14 \$5,000.00, or both.

15       Sec. 15. A person who operates a vessel on the waters of  
16 this state in violation of section 171(1) of the marine safety  
17 act, Act No. 303 of the Public Acts of 1967, being section  
18 281.1171 of the Michigan Compiled Laws, and causes the death of  
19 an unborn child is guilty of a felony punishable by imprisonment  
20 for not more than 15 years or a fine of not less than \$2,500.00  
21 or more than \$10,000.00, or both.

22       Sec. 16. A person who operates a vessel on the waters of  
23 this state in violation of section 171(1) of the marine safety  
24 act, Act No. 303 of the Public Acts of 1967, being section  
25 281.1171 of the Michigan Compiled Laws, and causes great bodily  
26 harm to an unborn child is guilty of a felony punishable by

1 imprisonment for not more than 5 years or a fine of not less than  
2 \$1,000.00 or more than \$5,000.00, or both.

3       Sec. 17. This act does not apply to any of the following:

4       (a) An act committed by the mother of an unborn child.

5       (b) A medical procedure performed by a physician or other  
6 licensed medical professional.

7       (c) An act committed in lawful self-defense or defense of  
8 another, or which is otherwise legally justified or excused.

9       Sec. 18. The imposition of a criminal penalty for a viola-  
10 tion of this act does not preclude the prosecution and sentencing  
11 of a person for any other applicable criminal violations.

12       Sec. 19. This act shall take effect October 1, 1995.