



HOUSE BILL No. 5361

November 7, 1995, Introduced by Reps. Ryan, Jersevic, Gnodtke, Sikkema, Kaza, Lowe, Porreca, Whyman, Horton, Ciaramitaro, Green, Voorhees, Law, Cropsey, Walberg, Goschka, Griffin, Byl, Jellema, Middaugh, Nye and Perricone and referred to the Committee on Judiciary and Civil Rights.

A bill to define certain crimes against preborn 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 preborn child protection act".

3 Sec. 2. As used in this act:

4 (a) "Abortion" means the intentional use of an instrument,
5 drug, or other substance or device to terminate a woman's preg-
6 nancy for a purpose other than to increase the probability of a
7 live birth, to preserve the life or health of the child after
8 live birth, or to remove a dead fetus. Abortion does not include
9 the use or prescription of a drug or device intended as a
10 contraceptive.

1 (b) "Fetus" means an individual organism of the species Homo
2 sapiens in utero.

3 (c) "Physician" means a person licensed by the state to
4 engage in the practice of medicine or osteopathic medicine and
5 surgery under article 15 of the public health code, Act No. 368
6 of the Public Acts of 1978, being sections 333.16101 to 333.18838
7 of the Michigan Compiled Laws.

8 Sec. 3. Any person who intentionally causes the death of a
9 fetus by assault or injury to a woman known by the person to be
10 pregnant is guilty of murder, punishable by imprisonment for
11 life.

12 Sec. 4. Any person who causes the death of a fetus during
13 the commission of a crime or during the attempt to commit a crime
14 is guilty of manslaughter, punishable by imprisonment for not
15 more than 15 years, or by a fine of not more than \$10,000.00, or
16 both.

17 Sec. 5. Any person who unintentionally causes the death of
18 a fetus by negligence, assault, or injury to a pregnant woman is
19 guilty of involuntary manslaughter, punishable by imprisonment
20 for not more than 15 years, or by a fine of not more than
21 \$10,000.00, or both.

22 Sec. 6. Any person who unintentionally causes injury, dis-
23 ability, or disfigurement to a fetus by assault or injury to a
24 woman he or she knows to be pregnant is guilty of a felony, pun-
25 ishable by imprisonment for not more than 4 years, or a fine of
26 \$2,000.00, or both.

1 Sec. 7. Any person who unintentionally causes injury,
2 disability, or disfigurement to a fetus by negligence, assault,
3 or injury to a pregnant woman is guilty of a misdemeanor, punish-
4 able by imprisonment for not more than 1 year, or a fine of
5 \$1,000.00, or both.

6 Sec. 8. A licensed physician shall not be subject to this
7 act for either of the following:

8 (a) Performing an abortion in compliance with all state laws
9 pertaining to or regulating abortion services.

10 (b) The unintended death of or injury to a fetus resulting
11 from diagnostic or therapeutic testing or treatment that complies
12 with usual and customary standards of medical practice.

13 Sec. 9. This act shall not be construed to prohibit the
14 prosecution of any person under any other provision of law, nor
15 shall it be construed to preclude any cause of civil action.

16 Sec. 10. (1) This act does not create a right to abortion.

17 (2) Notwithstanding any other provision of this act, a
18 person shall not perform an abortion that is prohibited by law.