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INJURY TO PREGNANT WOMEN: SEPARATE CRIME

House Bill 4476
Sponsor: Rep. Laura Baird
Committee: Judiciary

Complete to 4-17-97

A SUMMARY OF HOUSE BILL 4476 AS INTRODUCED 3-13-97

The bill would amend the penal code to create a new felony and misdemeanor for causing injury to a pregnant woman. More specifically, it would make it a felony to injure a pregnant woman during the commission of or attempt to commit a crime where the offender knew or had reason to know that the woman was pregnant and the injury resulted in miscarriage or serious physical injury to the fetus. Causing the same injury to a pregnant woman through the negligent (but not willful or wanton) operation of a vehicle on a highway or other public property would be a misdemeanor. The bill would define "serious physical injury to the fetus" to mean an injury that caused substantial bodily disfigurement to or seriously impaired the function of a body organ or limb of the child that develops from the fetus.

The felony created by the bill would be punishable by imprisonment for not more than ten years, while the misdemeanor would be punishable by imprisonment for not more than one year and/or a fine of \$1,000. In either instance, the offender could be convicted and imprisoned for both the crime created in the bill and any underlying crime or attempt to commit a crime; however, the term of imprisonment for injuring a pregnant woman would have to be served concurrently with any prison term for the underlying crime or attempted crime. In addition, when prosecuting a violation under the bill that occurred during the woman's first trimester of pregnancy, the prosecuting attorney would be required to prove the existence of the pregnancy through laboratory analysis and the testimony of a physician or other licensed medical professional.

The bill's provisions would not apply to the performance of a lawful abortion nor would they apply to any acts committed by the pregnant woman herself.

MCL 750.90a

Analyst: W. Flory

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