

Chapter 388

(Senate Bill 561)

AN ACT concerning

**Criminal Law – ~~Homicide~~ – Fetus Crime of Violence Against Pregnant Person –
Enhanced Penalty
(Laura and Reid’s Law)**

FOR the purpose of ~~expanding the application of certain provisions relating to a prosecution for murder or manslaughter of a certain viable fetus to a prosecution for murder or manslaughter of a certain fetus; requiring knowledge that a certain mother was pregnant for a certain murder or manslaughter prosecution; providing for the construction of a certain provision of law; defining a certain term; and generally relating to homicide; providing for an enhanced penalty for a person who commits a certain crime against another person when the person knows that the other person is pregnant; providing that a court may impose the enhanced penalty under certain circumstances; requiring a State’s Attorney to provide certain notice under certain circumstances; authorizing the State’s Attorney to provide notice in a certain manner; providing that the enhanced penalty prohibiting a person from committing a certain crime of violence against another person when the person knows or believes that the other person is pregnant; establishing a certain penalty for a violation of this Act; providing that a sentence imposed under this Act is may be imposed separate from and consecutive to a sentence for or concurrent with a certain other sentence; and generally relating to crimes of violence against pregnant persons.~~

~~BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 2–103
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)~~

BY adding to
Article – Criminal Law
Section 14–104
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Criminal Law

~~2–103.~~

~~(a) For purposes of a prosecution under this title, [“viable” has the meaning stated in § 20-209 of the Health General Article] **“FETUS” MEANS AN UNBORN OFFSPRING OF THE SPECIES HOMO SAPIENS FROM THE END OF THE EIGHTH WEEK AFTER FERTILIZATION UNTIL BIRTH.**~~

~~(b) **(1)** Except as provided in subsections (d) through (f) of this section, a prosecution may be instituted for murder or manslaughter of a [viable] fetus.~~

~~**(2) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO:**~~

~~**(I) PROHIBIT THE PROSECUTION OF ANY PERSON UNDER ANY OTHER PROVISION OF LAW; OR**~~

~~**(II) PRECLUDE ANY CIVIL CAUSE OF ACTION.**~~

~~(c) A person prosecuted for murder or manslaughter as provided in subsection (b) of this section must have:~~

~~(1) intended to cause the death of the [viable] fetus;~~

~~(2) intended to cause serious physical injury to the [viable] fetus; or~~

~~(3) **(I)** wantonly or recklessly disregarded the likelihood that the person’s actions would cause the death of or serious physical injury to the [viable] fetus; **AND**~~

~~**(II) KNOWN OR REASONABLY SHOULD HAVE KNOWN THAT THE MOTHER OF THE FETUS WAS PREGNANT AT THE TIME OF THE OFFENSE.**~~

~~(d) Nothing in this section applies to or infringes on a woman’s right to terminate a pregnancy as stated in § 20-209 of the Health General Article.~~

~~(e) Nothing in this section subjects a physician or other licensed medical professional to liability for fetal death that occurs in the course of administering lawful medical care.~~

~~(f) Nothing in this section applies to an act or failure to act of a pregnant woman with regard to her own fetus.~~

~~(g) Nothing in this section shall be construed to confer personhood or any rights on the fetus.~~

14-104.

~~(A) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE, AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE 14-101 OF THIS TITLE, AGAINST ANOTHER PERSON WHEN THE PERSON KNOWS OR BELIEVES THAT THE OTHER PERSON IS PREGNANT.~~

~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND, IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR THE UNDERLYING CRIME OF VIOLENCE, ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR THE CRIME OF VIOLENCE.~~

~~(C) A COURT MAY IMPOSE AN ENHANCED PENALTY UNDER SUBSECTION (B) OF THIS SECTION IF:~~

~~(1) AT LEAST 30 DAYS BEFORE TRIAL IN THE CIRCUIT COURT, AND 15 DAYS BEFORE TRIAL IN THE DISTRICT COURT, THE STATE'S ATTORNEY NOTIFIES THE DEFENDANT IN WRITING OF THE STATE'S INTENTION TO SEEK THE ENHANCED PENALTY; AND~~

~~(2) THE ELEMENTS OF SUBSECTION (A) OF THIS SECTION HAVE BEEN PROVEN BEYOND A REASONABLE DOUBT.~~

~~(D) IF THE DEFENDANT IS CHARGED BY INDICTMENT OR CRIMINAL INFORMATION, THE STATE MAY INCLUDE THE NOTICE REQUIRED UNDER SUBSECTION (C)(1) OF THIS SECTION IN THE INDICTMENT OR INFORMATION.~~

~~(E) AN ENHANCED PENALTY SENTENCE IMPOSED UNDER THIS SECTION SHALL BE MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.