

BY: Senator Hollinger

AMENDMENTS TO SENATE BILL NO. 349, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike Senator Harris's amendment (SB0349/063527/1), in its entirety.

On page 1 of the bill, in line 2, strike "Unborn Victims of Violence Act" and substitute "Criminal Law - First Degree Assault - Assault with Intent to Cause Miscarriage or Stillbirth"; strike beginning with "providing" in line 3 down through "child" in line 16 and substitute "prohibiting a person from committing an assault against a pregnant woman with the intent to cause a miscarriage or stillbirth; providing that a violation of this Act is a felony assault in the first degree subject to certain penalties; providing for the application of this Act; and generally relating to assault against a pregnant woman under certain circumstances"; and strike in their entirety lines 17 through 27, inclusive.

On page 2 of the bill, in line 1, strike "3-201(b), 3-203, and 3-207" and substitute "3-202".

AMENDMENT NO. 2

On pages 2 through 4 of the bill, strike in their entirety the lines beginning with line 7 on page 2 through line 3 on page 4, inclusive.

On page 4 of the bill, after line 3, insert:

"3-202.

(a) (1) A person may not intentionally cause or attempt to cause serious physical injury to another.

(2) A person may not commit an assault with a firearm, including:

(Over)

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this article;

(ii) an assault pistol, as defined in § 4-301 of this article;

(iii) a machine gun, as defined in § 4-401 of this article; and

(iv) a regulated firearm, as defined in § 5-101 of the Public Safety Article.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PERSON MAY NOT COMMIT AN ASSAULT AGAINST A PREGNANT WOMAN WITH THE INTENT TO CAUSE A MISCARRIAGE OR STILLBIRTH.

(II) THIS PARAGRAPH DOES NOT APPLY TO A LEGAL ABORTION TO WHICH THE WOMAN CONSENTS OR AN ACT COMMITTED IN ACCORDANCE WITH USUAL AND CUSTOMARY STANDARDS OF MEDICAL PRACTICE DURING DIAGNOSTIC TESTING OR THERAPEUTIC TREATMENT.

(b) A person who violates this section is guilty of the felony of assault in the first degree and on conviction is subject to imprisonment not exceeding 25 years.”.