
By: **Delegates Quinter, Bobo, C. Davis, DeBoy, Dumais, Feldman, Gutierrez, Hubbard, Lee, Madaleno, McHale, McIntosh, Morhaim, Rosenberg, Stern, and F. Turner**

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Pregnant Woman's Protection Act**

3 FOR the purpose of increasing certain criminal penalties under certain circumstances
4 relating to second degree murder, manslaughter, first degree assault, and
5 second degree assault; and generally relating to penalties for killing or
6 assaulting a pregnant woman.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 2-204, 2-207, 3-202, and 3-203
10 Annotated Code of Maryland
11 (2002 Volume and 2003 Supplement)

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

14 **Article - Criminal Law**

15 2-204.

16 (a) A murder that is not in the first degree under § 2-201 of this subtitle is in
17 the second degree.

18 (b) A person who commits a murder in the second degree is guilty of a felony
19 and on conviction is subject to imprisonment not exceeding:

20 (1) 30 years; OR

21 (2) IF THE PERSON KNEW OR HAD REASON TO KNOW THAT THE VICTIM
22 WAS A PREGNANT WOMAN, 35 YEARS.

1 2-207.

2 (a) A person who commits manslaughter is guilty of a felony and on conviction
3 is subject to:

4 (1) imprisonment not exceeding 10 years; [or]

5 (2) IF THE PERSON KNEW OR HAD REASON TO KNOW THAT THE VICTIM
6 WAS A PREGNANT WOMAN, IMPRISONMENT NOT EXCEEDING 15 YEARS; OR

7 [(2)] (3) imprisonment in a local correctional facility not exceeding 2
8 years or a fine not exceeding \$500 or both.

9 (b) The discovery of one's spouse engaged in sexual intercourse with another
10 does not constitute legally adequate provocation for the purpose of mitigating a
11 killing from the crime of murder to voluntary manslaughter even though the killing
12 was provoked by that discovery.

13 3-202.

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

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

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

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

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

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

23 (b) A person who violates this section is guilty of the felony of assault in the
24 first degree and on conviction is subject to imprisonment not exceeding:

25 (1) 25 years; OR

26 (2) IF THE PERSON KNEW OR HAD REASON TO KNOW THAT THE VICTIM
27 WAS A PREGNANT WOMAN, 30 YEARS.

28 3-203.

29 (a) A person may not commit an assault.

30 (b) A person who violates this section is guilty of the misdemeanor of assault
31 in the second degree and on conviction is subject to:

1 (1) imprisonment not exceeding 10 years or a fine not exceeding \$2,500
2 or both; OR

3 (2) IF THE PERSON KNEW OR HAD REASON TO KNOW THAT THE VICTIM
4 WAS A PREGNANT WOMAN, IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE
5 NOT EXCEEDING \$2,500 OR BOTH.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.