

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 398

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Victim -"; in line 3, after "that" insert "a prosecution may be instituted"; in the same line, strike "certain"; in lines 3 and 7, in each instance, strike "other"; in line 4, strike "prosecutions and"; and in lines 4 and 5, strike "the victim may include" and substitute "for an act or failure to act that caused the death of".

AMENDMENT NO. 2

On page 2, in line 1, strike "(C) AND (D)" and substitute "(D) THROUGH (F)"; in line 3, after "HOMICIDE" insert "OF A FETUS"; in line 4, strike "OMISSION" and substitute "FAILURE TO ACT"; in line 5, strike "VICTIM" and substitute "FETUS"; in the same line, strike "A"; in the same line, strike "FETUS"; in line 6, strike "VICTIM" and substitute "VIABLE FETUS"; and after line 6, insert:

"(C) A PERSON PROSECUTED FOR MURDER, MANSLAUGHTER, OR UNLAWFUL HOMICIDE AS PROVIDED IN SUBSECTION (B) OF THIS SECTION MUST HAVE:

(1) INTENDED TO CAUSE THE DEATH OF THE FETUS OR PREGNANT WOMAN;

(2) INTENDED TO CAUSE SERIOUS PHYSICAL INJURY TO THE FETUS OR PREGNANT WOMAN; OR

(3) WILLFULLY OR RECKLESSLY DISREGARDED THE LIKELIHOOD THAT THE ACT OR FAILURE TO ACT WOULD CAUSE THE DEATH OF OR SERIOUS PHYSICAL INJURY TO THE FETUS OR THE PREGNANT WOMAN."

(Over)

AMENDMENT NO. 3

On page 2, in line 7, strike “(C)” and substitute “(D)”;

strike in their entirety lines 10 through 12, inclusive, and substitute:

“(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 REASONABLE MEDICAL CARE.

(F) NOTHING IN THIS SECTION APPLIES TO AN ACT OR FAILURE TO ACT OF A PREGNANT WOMAN.

(G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFER PERSONHOOD OR ANY RIGHTS ON THE FETUS.”.