

SENATE BILL 561

E1

(9lr0632)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Ready, Carozza, and Eckardt**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

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

5 FOR the purpose of ~~expanding the application of certain provisions relating to a prosecution~~
6 ~~for murder or manslaughter of a certain viable fetus to a prosecution for murder or~~
7 ~~manslaughter of a certain fetus; requiring knowledge that a certain mother was~~
8 ~~pregnant for a certain murder or manslaughter prosecution; providing for the~~
9 ~~construction of a certain provision of law; defining a certain term; and generally~~
10 ~~relating to homicide; providing for an enhanced penalty for a person who commits a~~
11 ~~certain crime against another person when the person knows that the other person~~
12 ~~is pregnant; providing that a court may impose the enhanced penalty under certain~~
13 ~~circumstances; requiring a State’s Attorney to provide certain notice under certain~~
14 ~~circumstances; authorizing the State’s Attorney to provide notice in a certain~~
15 ~~manner; providing that the enhanced penalty *prohibiting a person from committing*~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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~~

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

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

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

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

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

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

15 14-104.

16 ~~(A) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE, AS DEFINED IN §~~
17 ~~5-101 OF THE PUBLIC SAFETY ARTICLE 14-101 OF THIS TITLE, AGAINST ANOTHER~~
18 ~~PERSON WHEN THE PERSON KNOWS OR BELIEVES THAT THE OTHER PERSON IS~~
19 ~~PREGNANT.~~

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.