



March 19, 2021

The Honorable Shane E. Pendergrass
Health and Government Operations Committee
House Office Building, room 241
Annapolis, MD 21401

Re: OPPOSE HB0997 Equal Protection for Unborn Human Life Act

Chairman and Members of the Committee:

Secular Maryland opposes the changes to Criminal Law §2–103 proposed by this bill. The current law establishes that actions which “cause the death of or serious physical injury to the viable fetus” can qualify as murder or manslaughter. This bill would instead allow murder or manslaughter charges to be applicable starting “from the moment of fertilization.”

Establishing a boundary for when the thwarting of a potential future human life qualifies as murder is unavoidably somewhat subjective. The current standard, viability, is more reasonable than the moment of fertilization in our view and should be retained. A bill which imposes penalties short of murder or manslaughter for intentionally injuring or killing a fetus prior to viability, while allowing an exception for medical abortions, would be better than this bill. If we are going to seek a better boundary then the start of consciousness could be a good alternative. Significant recent progress in identifying the neural correlates of consciousness provided us reason to anticipate that an expert consensus on the start of consciousness may be reached in the future. This law can then be updated accordingly.