

April 10, 2003

H 1106. FETAL HOMICIDE. TO CREATE THE CRIMINAL OFFENSE OF FETAL HOMICIDE.

Adds new GS 14-18.3 creating several offenses: (1) murder of an unborn child in the first degree, defined as causing the death of an unborn child with deliberate and premeditated malice to kill the child or its mother (with knowledge of pregnancy), punishable as a Class B1 felony; (2) murder of an unborn child in the second degree, defined as intending to cause the death of an unborn child, but without premeditation, punishable as a Class C felony; and (3) manslaughter of an unborn child, defined as causing the death of an unborn child upon a sudden quarrel, without malice, punishable as a Class F felony. Clarifies that sec. does not apply to conduct of a pregnant woman that results in a miscarriage or stillbirth, or conduct that is in accordance with GS 14-45.1 (when abortion is not unlawful). Adds new GS 20-141.4(a3) creating the offense of felony death by vehicle of an unborn child, defined as a violation of subsection (a) that is the proximate cause of child's death, punishable as a Class H felony. Adds new GS 20-141.4(a4) creating the offense of misdemeanor death by vehicle of an unborn child, defined as a violation of subsection (b) that is a proximate cause of child's death, punishable as a Class 2 felony. Defines "unborn child" as a child at any stage of development. Effective Dec. 1, 2003.

Intro. by Starnes.

Ref. to Judiciary I	GS 14, 20
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