

HOUSE BILL 748

E1

8lr2662
CF SB 533

By: **Delegates Kittleman, Afzali, Anderton, Arentz, Aumann, Carozza, Cassilly, Cluster, Corderman, Ghrist, Glass, Grammer, Jacobs, Kipke, Krebs, Long, Malone, McComas, McConkey, McKay, Metzgar, W. Miller, Morgan, Otto, Reilly, Rey, Rose, Saab, Shoemaker, Szeliga, and West**
Introduced and read first time: February 1, 2018
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Homicide – Unborn Child**
3 **(Laura and Reid’s Law)**

4 FOR the purpose of expanding the application of certain provisions relating to a prosecution
5 for murder or manslaughter of a certain viable fetus to a prosecution for murder or
6 manslaughter of a certain unborn child; defining a certain term; and generally
7 relating to homicide.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 2–103
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2017 Supplement)

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

15 **Article – Criminal Law**

16 2–103.

17 (a) For purposes of a prosecution under this title, [“viable” has the meaning stated
18 in § 20–209 of the Health – General Article] **“UNBORN CHILD” MEANS A FETUS AT ANY**
19 **STAGE OF DEVELOPMENT THAT IS CARRIED IN THE WOMB.**

20 (b) Except as provided in subsections (d) through (f) of this section, a prosecution
21 may be instituted for murder or manslaughter of [a viable fetus] **AN UNBORN CHILD.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (c) A person prosecuted for murder or manslaughter as provided in subsection (b)
2 of this section must have:

3 (1) intended to cause the death of the [viable fetus] **UNBORN CHILD**;

4 (2) intended to cause serious physical injury to the [viable fetus] **UNBORN**
5 **CHILD**; or

6 (3) wantonly or recklessly disregarded the likelihood that the person's
7 actions would cause the death of or serious physical injury to the [viable fetus] **UNBORN**
8 **CHILD**.

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

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

14 (f) Nothing in this section applies to an act or failure to act of a pregnant woman
15 with regard to her own [fetus] **UNBORN CHILD**.

16 (g) Nothing in this section shall be construed to confer personhood or any rights
17 on the [fetus] **UNBORN CHILD**.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2018.