

# SENATE BILL 561

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9lr0632  
CF HB 757

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By: **Senators Ready, Carozza, and Eckardt**  
Introduced and read first time: February 4, 2019  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 13, 2019

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## 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 under this Act is separate from and~~  
16 ~~consecutive to a sentence for a certain other sentence; and generally relating to~~  
17 ~~crimes of violence against pregnant persons.~~

18 ~~BY repealing and reenacting, with amendments,~~  
19 ~~Article – Criminal Law~~  
20 ~~Section 2-103~~  
21 ~~Annotated Code of Maryland~~  
22 ~~(2012 Replacement Volume and 2018 Supplement)~~

23 BY adding to

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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.



1 Article – Criminal Law  
 2 Section 14-104  
 3 Annotated Code of Maryland  
 4 (2012 Replacement Volume and 2018 Supplement)

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

7 **Article – Criminal Law**

8 ~~2-103.~~

9 ~~(a) For purposes of a prosecution under this title, [“viable” has the meaning stated~~  
 10 ~~in § 20-209 of the Health – General Article] “FETUS” MEANS AN UNBORN OFFSPRING~~  
 11 ~~OF THE SPECIES HOMO SAPIENS FROM THE END OF THE EIGHTH WEEK AFTER~~  
 12 ~~FERTILIZATION UNTIL BIRTH.~~

13 ~~(b) (1) Except as provided in subsections (d) through (f) of this section, a~~  
 14 ~~prosecution may be instituted for murder or manslaughter of a [viable] fetus.~~

15 ~~(2) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO:~~

16 ~~(I) PROHIBIT THE PROSECUTION OF ANY PERSON UNDER ANY~~  
 17 ~~OTHER PROVISION OF LAW; OR~~

18 ~~(II) PRECLUDE ANY CIVIL CAUSE OF ACTION.~~

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

21 ~~(1) intended to cause the death of the [viable] fetus;~~

22 ~~(2) intended to cause serious physical injury to the [viable] fetus; or~~

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

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

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

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

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

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

8 **14-104.**

9 **(A) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE, AS DEFINED IN §**  
10 **5-101 OF THE PUBLIC SAFETY ARTICLE, AGAINST ANOTHER PERSON WHEN THE**  
11 **PERSON KNOWS THAT THE OTHER PERSON IS PREGNANT.**

12 **(B) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO IMPRISONMENT**  
13 **NOT EXCEEDING 10 YEARS IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR**  
14 **THE CRIME OF VIOLENCE.**

15 **(C) A COURT MAY IMPOSE AN ENHANCED PENALTY UNDER SUBSECTION (B)**  
16 **OF THIS SECTION IF:**

17 **(1) AT LEAST 30 DAYS BEFORE TRIAL IN THE CIRCUIT COURT, AND 15**  
18 **DAYS BEFORE TRIAL IN THE DISTRICT COURT, THE STATE'S ATTORNEY NOTIFIES**  
19 **THE DEFENDANT IN WRITING OF THE STATE'S INTENTION TO SEEK THE ENHANCED**  
20 **PENALTY; AND**

21 **(2) THE ELEMENTS OF SUBSECTION (A) OF THIS SECTION HAVE BEEN**  
22 **PROVEN BEYOND A REASONABLE DOUBT.**

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

26 **(E) AN ENHANCED PENALTY IMPOSED UNDER THIS SECTION SHALL BE**  
27 **SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE**  
28 **ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

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