

1 S.273

2 Introduced by Senators Sears and Mullin

3 Referred to Committee on

4 Date:

5 Subject: Crimes; assault of pregnant woman

6 Statement of purpose: This bill proposes to enhance the penalty for assault of
7 a pregnant woman if the offender is convicted of aggravated assault, grossly
8 negligent operation of a motor vehicle, or operating a vehicle under the
9 influence of alcohol or drugs, and serious bodily injury to a pregnant woman
10 results from the violation.

11 An act relating to assault of a pregnant woman

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 13 V.S.A. § 1028b is added to read:

14 § 1028b. ASSAULT OF PREGNANT WOMAN

15 (a) A person is guilty of assault of a pregnant woman if the person is
16 convicted of one of the following offenses and serious bodily injury to a
17 pregnant woman results from the violation:

18 (1) aggravated assault in violation of section 1024 of this title;

19 (2) grossly negligent operation of a motor vehicle in violation of

20 23 V.S.A. § 1091(b); or

1 (3) operating a vehicle under the influence of alcohol or drugs in
2 violation of 23 V.S.A. § 1201.

3 (b) A person who violates subsection (a) of this section shall, in addition to
4 any other penalties imposed under section 1024 of this title or section 1091 or
5 1201 of Title 23, be imprisoned for not more than ten years or fined not more
6 than \$5,000.00, or both.

7 (c) As used in this section, “serious bodily injury” means:

8 (1) bodily injury which creates any of the following:

9 (A) a substantial risk of death;

10 (B) a substantial loss or impairment of the function of any bodily
11 member or organ;

12 (C) a substantial impairment of health; or

13 (D) substantial disfigurement; or

14 (2) strangulation by intentionally impeding normal breathing or
15 circulation of the blood by applying pressure on the throat or neck or by
16 blocking the nose or mouth of another person; or

17 (3) any bodily injury that:

18 (A) causes complications to the pregnancy, including increasing the
19 risk of preterm labor; or

20 (B) results in the termination of the pregnancy.

1 (d) This section shall not apply to acts performed during an abortion or
2 pursuant to usual and customary standards of medical practice during
3 diagnostic testing or therapeutic treatment.

4 (e) This section shall not be construed to confer, deny, expand, or contract
5 the legal status or legal rights of a fetus.