

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1602

H.P. 1179

House of Representatives, March 13, 2001

An Act to Prevent Violence Against Pregnant Mothers.

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MENDROS of Lewiston.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: ANNIS of Dover-Foxcroft, CRESSEY of Baldwin, DAVIS of Falmouth,
JODREY of Bethel, MacDOUGALL of North Berwick, MICHAEL of Auburn, O'BRIEN of
Augusta, Senator: SHOREY of Washington.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 17-A MRS~~A~~ §203-A** is enacted to read:

6 **§203-A. Voluntary manslaughter of unborn child**

8 1. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

10 A. "Abortion" has the same meaning as set forth in Title 22, section 1598, subsection 2.

12 B. "Person" does not include the pregnant woman whose
14 unborn child is killed or injured.

16 C. "Unborn child" means any individual of the human species
18 from fertilization until birth.

20 2. A person is guilty of voluntary manslaughter of an
unborn child if the person intentionally or knowingly causes the
death of the unborn child, the person knows the pregnant woman is
22 pregnant and the pregnant woman wishes to continue the pregnancy.

24 3. This section does not apply to:

26 A. Acts that cause the death of an unborn child if those
acts are committed during an abortion, lawful or unlawful,
28 to which the pregnant woman consents; or

30 B. Acts that are committed pursuant to usual and customary
standards of medical practice during diagnostic testing or
32 therapeutic treatment.

34 4. Voluntary manslaughter of an unborn child is a Class A
36 crime.

38 5. Prosecution of a person under this section does not
prohibit the prosecution of the person under any other law.

40 **SUMMARY**

42 This bill creates a new crime against unborn children and
44 pregnant mothers. Voluntary manslaughter of an unborn child is a
46 Class A crime and consists of intentionally or knowingly causing
the death of an unborn child when the perpetrator knows the woman
is pregnant and the woman wishes to continue the pregnancy.

48 These crimes do not apply to an abortion to which the
50 pregnant woman has consented, nor do they apply to acts committed

2 pursuant to usual and customary standards of medical practice
during diagnostic or therapeutic treatment. These crimes do not
apply to the pregnant woman.