

MAINE STATE LEGISLATURE

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R. of S.

L.D. 262-

DATE: 6/7/5

(Filing No. H-647)

JUDICIARY

Minority

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 201, L.D. 262, Bill, "An Act To Protect Unborn Children from Acts of Violence"

Amend the bill in section 1 by inserting before that part designated "§221." the following:

'§221. Purpose; intent; interpretation

The purpose of this chapter is to provide appropriate criminal justice consequences for crimes committed against an unborn child. By establishing crimes against an unborn child, the Legislature does not intend that an unborn child be given status as a person beyond that necessary to define, prosecute and provide punishment for the crimes established in this chapter. This chapter may not be construed to affect the State's policy or the rights of a pregnant woman concerning abortion as provided in Title 22, chapter 263-B.'

Further amend the bill in section 1 in that part designated "§221." in subsection 2 in the 2nd line (page 1, line 18 in L.D.) by striking out the following: "or injured"

Further amend the bill in section 1 in that part designated "§222." in subsection 5 in paragraph B in the 2nd line (page 2, line 4 in L.D.) by striking out the following: "provided" and inserting in its place the following: 'except'

COMMITTEE AMENDMENT "A" to H.P. 201, L.D. 262

2 Further amend the bill in section 1 in that part designated
3 "~~§223.~~" in subsection 1 in the 5th line (page 2, line 32 in L.D.)
4 by striking out the following: "~~assault.~~" and inserting in its
5 place the following: 'assault'

6
7 Further amend the bill in section 1 in that part designated
8 "~~§223.~~" in subsection 2 in paragraph B in the first line (page 2,
9 line 43 in L.D.) by striking out the following: "~~weapon.~~" and
10 inserting in its place the following: 'weapon'

11 Further amend the bill in section 1 in that part designated
12 "~~§224.~~" in subsection 1 in paragraph B in the 6th line (page 3,
13 line 34 in L.D.) by striking out the following: "~~222~~" and
14 inserting in its place the following: '223'

15 Further amend the bill in section 1 in that part designated
16 "~~§224.~~" in subsection 1 by striking out all of paragraph C (page
17 3, lines 42 to 49 and page 4, lines 1 to 10 in L.D.)

18 Further amend the bill in section 1 by striking out all of
19 those parts designated "~~§225.~~", "~~§226.~~" and "~~§227.~~"

20 Further amend the bill in section 1 by renumbering the
21 sections to read consecutively.

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28 **SUMMARY**

29 This amendment includes a purpose and intent section to make
30 clear that the purpose of the new chapter creating crimes in
31 which an unborn child's death results is to provide appropriate
32 criminal justice consequences for crimes committed against an
33 unborn child. By establishing these crimes, based on the current
34 Criminal Code treatment of crimes in which the victim's death
35 results, the Legislature does not intend that an unborn child be
36 given status as a person for any purpose beyond that necessary to
37 define, prosecute and provide punishment for the crimes
38 established in the chapter. The chapter may not be construed to
39 affect the State's policy concerning abortion or affect the
40 rights of a pregnant woman concerning abortion as provided in the
41 Maine Revised Statutes, Title 22, chapter 263-B.

42
43 The amendment removes from the bill those provisions
44 creating the crimes of assault, aggravated assault and elevated
45 aggravated assault on an unborn child. This amendment also
46 removes from the new crime of manslaughter of an unborn child
47 criminal liability of an employer who violates an occupational
48 health and safety standard that causes the death of an unborn
49 child.

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COMMITTEE AMENDMENT



Approved: 05/31/05 *MAC*

122nd MAINE LEGISLATURE

LD 262

LR 0294(02)

An Act To Protect Unborn Children from Acts of Violence

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Correctional and Judicial Impact Statements

Establishes new murder and Class A crimes for offenses against an unborn child; increases correctional and judicial costs

Fiscal Detail and Notes

Any costs associated with the Department of the Attorney General will be absorbed utilizing existing budgeted resources.