

HOUSE No. 3338

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to fetal homicide.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/17/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/24/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/17/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/17/2019</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/30/2019</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>1/31/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/28/2019</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/28/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/30/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/30/2019</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>1/31/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/1/2019</i>

HOUSE No. 3338

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 3338) of Bradley H. Jones, Jr., and others relative to the penalties for the crime of fetal homicide. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to fetal homicide.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 265 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by adding the following section:--

3 Section 130. (a) For the purposes of this section, the following words shall, unless the
4 context indicates otherwise, have the following meanings:—

5 “Bodily injury”, substantial impairment of the physical condition including any burn,
6 fracture of any bone, subdural hematoma, injury to any internal organ, any injury which occurs
7 as the result of repeated harm to any bodily function or organ including human skin or any
8 physical condition which substantially imperils a child’s health or welfare.

9 “Child in utero”, a member of the species homo sapiens, at any stage of development,
10 who is carried in the womb.

11 (b) Whoever engages in conduct that violates any of the provisions of law listed in this
12 chapter which results in the death of, or bodily injury to, a child in utero when the conduct
13 occurs, is guilty of a separate offense under this section.

14 (c) (1) Except as otherwise provided in this subsection, the punishment for that separate
15 offense is the same as the punishment provided under law for that conduct had the injury or
16 death occurred to the unborn child's mother.

17 (2) An offense under this section shall not require proof that:

18 the person engaging in the conduct had knowledge or should have had knowledge that the
19 victim of the underlying offense was pregnant; or

20 the defendant intended to cause the death of, or bodily injury to, the unborn child

21 (d) Nothing in this section shall be construed to permit the prosecution:

22 of any person for conduct relating to an abortion for which the consent of the pregnant
23 woman, or a person authorized by law to act on her behalf, has been obtained or for which such
24 consent is required by law; of any person for any medical treatment of the pregnant woman or
25 her unborn child; or of any woman with respect to her unborn child.