

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 594
Committee Substitute Favorable 4/29/97

Short Title: Injury to Preg. Woman.

(Public)

Sponsors:

Referred to:

March 24, 1997

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE PUNISHMENT IMPOSED FOR INJURING A
PREGNANT WOMAN IN THE COMMISSION OF A FELONY, ACT OF
DOMESTIC VIOLENCE, OR UNLAWFUL OPERATION OF A VEHICLE
CAUSING A MISCARRIAGE OR STILLBIRTH.

The General Assembly of North Carolina enacts:

Section 1. Article 6 of Chapter 14 of the General Statutes is amended by
adding a new section to read:

"§ 14-18.2. Injury to pregnant woman.

(a) Definitions. – The following definitions shall apply in this section:

(1) Miscarriage. – The interruption of the normal development of the fetus,
other than by a live birth, and which is not an induced abortion
permitted under G.S. 14-45.1, resulting in the complete expulsion or
extraction from a pregnant woman of the fetus.

(2) Stillbirth. – The death of a fetus prior to the complete expulsion or
extraction from a woman irrespective of the duration of pregnancy and
which is not an induced abortion permitted under G.S. 14-45.1.

1 **(b)** A person who in the commission of a felony causes injury to a woman,
2 knowing the woman to be pregnant, which injury results in a miscarriage or stillbirth by
3 the woman is guilty of a felony that is one class higher than the felony committed.

4 **(c)** A person who in the commission of a misdemeanor that is an act of domestic
5 violence as defined in Chapter 50B of the General Statutes causes injury to a woman,
6 knowing the woman to be pregnant, which results in miscarriage or stillbirth by the
7 woman is guilty of a misdemeanor that is one class higher than the misdemeanor
8 committed. If the offense was a Class A1 misdemeanor, the defendant is guilty of a Class
9 I felony.

10 **(d)** This section shall not apply to acts committed by a pregnant woman which
11 result in a miscarriage or stillbirth by the woman."

12 Section 2. Article 3 of Chapter 20 of the General Statutes is amended by
13 adding a new section to read:

14 **"§ 20-141.5. Injury to pregnant woman by vehicle.**

15 **(a)** Definitions. – The following definitions shall apply in this section:

16 **(1)** Miscarriage. – The interruption of the normal development of the fetus,
17 other than by a live birth, and which is not an induced abortion
18 permitted under G.S. 14-45.1, resulting in the complete expulsion or
19 extraction from a pregnant woman of the fetus.

20 **(2)** Stillbirth. – The death of a fetus prior to the complete expulsion or
21 extraction from a woman irrespective of the duration of pregnancy and
22 which is not an induced abortion permitted under G.S. 14-45.1.

23 **(b)** Any person who in the unlawful operation of a motor vehicle commits a felony
24 which causes a pregnant woman to suffer a miscarriage or stillbirth is guilty of a felony
25 that is one class higher than the felony committed."

26 Section 3. This act becomes effective December 1, 1997, and applies to
27 offenses committed on or after that date.