

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 21

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding sections 90a, 90b, 90c, 90d,
90e, and 90f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 90A. (1) IF A PERSON INTENTIONALLY COMMITS CONDUCT
2 PROSCRIBED UNDER SECTIONS 81 TO 89 AGAINST A PREGNANT INDIVIDUAL,
3 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
4 LIFE OR ANY TERM OF YEARS IF ALL OF THE FOLLOWING APPLY:
5 (A) THE PERSON INTENDED TO CAUSE A MISCARRIAGE OR STILLBIRTH
6 BY THAT INDIVIDUAL OR GREAT BODILY HARM TO THE EMBRYO OR FETUS,
7 OR ACTED IN WANTON OR WILLFUL DISREGARD OF THE LIKELIHOOD THAT
8 THE NATURAL TENDENCY OF THE PERSON'S CONDUCT IS TO CAUSE A
9 MISCARRIAGE OR STILLBIRTH OR GREAT BODILY HARM TO THE EMBRYO OR
10 FETUS.

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1 (B) THE PERSON'S CONDUCT RESULTED IN A MISCARRIAGE OR
2 STILLBIRTH BY THE INDIVIDUAL.

3 SEC. 90B. A PERSON WHO INTENTIONALLY COMMITS CONDUCT PRO-
4 SCRIBED UNDER SECTIONS 81 TO 89 AGAINST A PREGNANT INDIVIDUAL IS
5 GUILTY OF A CRIME AS FOLLOWS:

6 (A) IF THE CONDUCT RESULTS IN A MISCARRIAGE OR STILLBIRTH BY
7 THAT INDIVIDUAL, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
8 THAN 15 YEARS OR A FINE OF NOT MORE THAN \$7,500.00, OR BOTH.

9 (B) IF THE CONDUCT RESULTS IN GREAT BODILY HARM TO THE
10 EMBRYO OR FETUS, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
11 THAN 10 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

12 (C) IF THE CONDUCT RESULTS IN SERIOUS OR AGGRAVATED PHYSICAL
13 INJURY TO THE EMBRYO OR FETUS, A MISDEMEANOR PUNISHABLE BY
14 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
15 \$1,000.00, OR BOTH.

16 (D) IF THE CONDUCT RESULTS IN PHYSICAL INJURY TO THE EMBRYO
17 OR FETUS, A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
18 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

19 SEC. 90C. A PERSON WHO COMMITS A GROSSLY NEGLIGENT ACT
20 AGAINST A PREGNANT INDIVIDUAL IS GUILTY OF A CRIME AS FOLLOWS:

21 (A) IF THE ACT RESULTS IN A MISCARRIAGE OR STILLBIRTH BY
22 THAT INDIVIDUAL, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
23 THAN 15 YEARS OR A FINE OF NOT MORE THAN \$7,500.00, OR BOTH.

24 (B) IF THE ACT RESULTS IN GREAT BODILY HARM TO THE EMBRYO OR
25 FETUS, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5
26 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

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1 (C) IF THE ACT RESULTS IN SERIOUS OR AGGRAVATED PHYSICAL
2 INJURY TO THE EMBRYO OR FETUS, A MISDEMEANOR PUNISHABLE BY
3 IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR A FINE OF NOT MORE
4 THAN \$500.00, OR BOTH.

5 (D) IF THE ACT RESULTS IN PHYSICAL INJURY TO THE EMBRYO OR
6 FETUS, A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
7 93 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

8 SEC. 90D. A PERSON WHO ENGAGES IN CONDUCT PROSCRIBED UNDER
9 SECTION 625(1) OR (3) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
10 MCL 257.625, THAT INVOLVES AN ACCIDENT WITH A PREGNANT INDIVIDUAL
11 IS GUILTY OF A FELONY PUNISHABLE AS FOLLOWS:

12 (A) IF THE PERSON'S CONDUCT CAUSES A MISCARRIAGE OR STILL-
13 BIRTH BY THAT INDIVIDUAL, IMPRISONMENT FOR NOT MORE THAN 15 YEARS
14 OR A FINE OF NOT LESS THAN \$2,500.00 OR MORE THAN \$10,000.00, OR
15 BOTH.

16 (B) IF THE PERSON'S CONDUCT CAUSES GREAT BODILY HARM OR
17 SERIOUS OR AGGRAVATED INJURY TO THE EMBRYO OR FETUS, IMPRISONMENT
18 FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT LESS THAN \$1,000.00 OR
19 MORE THAN \$5,000.00, OR BOTH.

20 SEC. 90E. IF A PERSON OPERATES A MOTOR VEHICLE IN A CARE-
21 LESS OR RECKLESS MANNER, BUT NOT WILLFULLY OR WANTONLY, THAT IS
22 THE PROXIMATE CAUSE OF AN ACCIDENT INVOLVING A PREGNANT INDIVID-
23 UAL AND THE ACCIDENT RESULTS IN A MISCARRIAGE OR STILLBIRTH BY
24 THAT INDIVIDUAL, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE
25 BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE
26 THAN \$2,000.00, OR BOTH.

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1 SEC. 90F. (1) SECTIONS 90A TO 90E DO NOT APPLY TO ANY OF
2 THE FOLLOWING:

3 (A) AN ACT COMMITTED BY THE PREGNANT INDIVIDUAL.

4 (B) A MEDICAL PROCEDURE PERFORMED BY A PHYSICIAN OR OTHER
5 LICENSED MEDICAL PROFESSIONAL WITHIN THE SCOPE OF HIS OR HER
6 PRACTICE AND WITH THE PREGNANT INDIVIDUAL'S CONSENT OR THE CON-
7 SENT OF AN INDIVIDUAL WHO MAY LAWFULLY PROVIDE CONSENT ON HER
8 BEHALF OR WITHOUT CONSENT AS NECESSITATED BY A MEDICAL
9 EMERGENCY.

10 (C) THE LAWFUL DISPENSATION, ADMINISTRATION, OR PRESCRIPTION
11 OF MEDICATION.

12 (2) THIS SECTION DOES NOT PROHIBIT A PROSECUTION UNDER ANY
13 OTHER APPLICABLE LAW.

14 (3) AS USED IN THIS SECTION, "PHYSICIAN OR OTHER LICENSED
15 MEDICAL PROFESSIONAL" MEANS A PERSON LICENSED UNDER ARTICLE 15 OF
16 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838.

17 Enacting section 1. This amendatory act takes effect
18 January 1, 1999.