

2011 -- H 5028

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LC00257
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO CRIMINAL OFFENSES

Introduced By: Representatives Brien, Corvese, Savage, Palumbo, and Phillips

Date Introduced: January 18, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-5 of the General Laws entitled "Assaults" is hereby amended by
2 adding thereto the following section:

3 **11-5-17. Assault upon a pregnant woman causing miscarriage or stillbirth. --** Every
4 person who shall make an assault or battery, or both, causing physical injury to a pregnant woman
5 causing her to suffer a miscarriage or stillbirth as a result of that injury, shall be punished by
6 imprisonment not exceeding thirty (30) years; provided, however, that if the fetus is determined
7 to be twelve (12) weeks or older, the punishment shall be life in prison.

8 For the purpose of this section:

9 (1) "Physical injury" means the impairment limited to the inability to complete a full-
10 term pregnancy, as defined by the pregnant woman's physician, or the infliction of substantial
11 pain;

12 (2) "Miscarriage" means the interruption of the normal development of the fetus, other
13 than by a live birth and which is not an induced abortion, resulting in the complete expulsion or
14 extraction of a fetus from a pregnant woman; and

15 (3) "Stillbirth" means the death of a fetus prior to the complete expulsion or extraction
16 from its mother, irrespective of the duration of pregnancy and which is not an induced abortion,
17 and death is manifested by the fact that after the expulsion or extraction, the fetus does not
18 breathe spontaneously or show other evidence of life such as heartbeat, pulsation of the umbilical
19 cord, or definite movement of voluntary muscles.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would make assault on a pregnant woman which causes her to suffer a
2 miscarriage or stillbirth punishable by up to thirty (30) years imprisonment, and life
3 imprisonment if the fetus is 12 weeks or older.

4 This act would take effect upon passage.

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