

**SUBSTITUTE FOR
SENATE BILL NO. 71**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 90a, 90b, 90c, 90d, and 90e (MCL 750.90a,
750.90b, 750.90c, 750.90d, and 750.90e), as added by 1998 PA
238.

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 DEATH OR great bodily harm to the embryo or
7 fetus, or acted in wanton or willful disregard of the likelihood
8 that the natural tendency of the person's conduct is to cause a

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1 miscarriage or stillbirth or DEATH OR great bodily harm to the
2 embryo or fetus.

3 (b) The person's conduct resulted in a miscarriage or still-
4 birth by ~~the~~ THAT individual OR DEATH TO THE EMBRYO OR FETUS.

5 Sec. 90b. A person who intentionally commits conduct pro-
6 scribed under sections 81 to 89 against a pregnant individual is
7 guilty of a crime as follows:

8 (a) If the conduct results in a miscarriage or stillbirth by
9 that individual, OR DEATH TO THE EMBRYO OR FETUS, a felony pun-
10 ishable by imprisonment for not more than 15 years or a fine of
11 not more than \$7,500.00, or both.

12 (b) If the conduct results in great bodily harm to the
13 embryo or fetus, a felony punishable by imprisonment for not more
14 than 10 years or a fine of not more than \$5,000.00, or both.

15 (c) If the conduct results in serious or aggravated physical
16 injury to the embryo or fetus, a misdemeanor punishable by
17 imprisonment for not more than 1 year or a fine of not more than
18 \$1,000.00, or both.

19 (d) If the conduct results in physical injury to the embryo
20 or fetus, a misdemeanor punishable by imprisonment for not more
21 than 93 days or a fine of not more than \$500.00, or both.

22 Sec. 90c. A person who commits a grossly negligent act
23 against a pregnant individual is guilty of a crime as follows:

24 (a) If the act results in a miscarriage or stillbirth by
25 that individual OR DEATH TO THE EMBRYO OR FETUS, a felony punish-
26 able by imprisonment for not more than 15 years or a fine of not
27 more than \$7,500.00, or both.

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1 (b) If the act results in great bodily harm to the embryo or
2 fetus, a felony punishable by imprisonment for not more than 5
3 years or a fine of not more than \$2,500.00, or both.

4 (c) If the act results in serious or aggravated physical
5 injury to the embryo or fetus, a misdemeanor punishable by
6 imprisonment for not more than 6 months or a fine of not more
7 than \$500.00, or both.

8 (d) If the act results in physical injury to the embryo or
9 fetus, a misdemeanor punishable by imprisonment for not more than
10 93 days or a fine of not more than \$100.00, or both.

11 Sec. 90d. A person who engages in conduct proscribed under
12 section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300,
13 MCL 257.625, that involves an accident with a pregnant individual
14 is guilty of a felony punishable as follows:

15 (a) If the person's conduct causes a miscarriage or still-
16 birth by that individual OR DEATH TO THE EMBRYO OR FETUS, impris-
17 onment for not more than 15 years or a fine of not less than
18 \$2,500.00 or more than \$10,000.00, or both.

19 (b) If the person's conduct causes great bodily harm or
20 serious or aggravated injury to the embryo or fetus, imprisonment
21 for not more than 5 years or a fine of not less than \$1,000.00 or
22 more than \$5,000.00, or both.

23 Sec. 90e. If a person operates a motor vehicle in a care-
24 less or reckless manner, but not willfully or wantonly, that is
25 the proximate cause of an accident involving a pregnant individ-
26 ual and the accident results in a miscarriage or stillbirth by
27 that individual OR DEATH TO THE EMBRYO OR FETUS, the person is

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1 guilty of a misdemeanor punishable by imprisonment for not more
2 than 2 years or a fine of not more than \$2,000.00, or both.

3 Enacting section 1. This amendatory act takes effect June
4 1, 2001.