

SENATE BILL No. 71

February 1, 2001, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 90a and 90b (MCL 750.90a and 750.90b), 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
9 miscarriage or stillbirth or DEATH OR great bodily harm to the
10 embryo or fetus.

1 (b) The person's conduct resulted in a miscarriage or
2 stillbirth by the individual OR DEATH TO THE EMBRYO OR FETUS.

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, OR DEATH TO THE EMBRYO OR FETUS, a felony pun-
8 ishable by imprisonment for not more than 15 years or a fine of
9 not more than \$7,500.00, or both.

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

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

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