

By Representative Andrews

1 A bill to be entitled
2 An act relating to the unlawful killing of an
3 unborn quick child; amending s. 782.09, F.S.;
4 providing that killing an unborn quick child by
5 injury to the mother which would be murder in
6 any degree if it resulted in the death of the
7 mother is murder in the same degree; providing
8 penalties; providing that the unlawful killing
9 of an unborn quick child by injury to the
10 mother which would be manslaughter if it
11 resulted in the death of the mother is
12 manslaughter; providing penalties; providing
13 that the death of the mother does not bar
14 prosecution under specified circumstances;
15 providing an effective date.
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17 WHEREAS, the Legislature finds that unborn children
18 have protectable interests in life, health, and well-being,
19 and
20 WHEREAS, the Legislature finds that in order to best
21 serve the needs of unborn children, and the needs of parents
22 of unborn children who choose life, it is necessary to afford
23 all unborn children the full protection of the law, and
24 WHEREAS, the Legislature finds that it is in the best
25 interest of the state to seek justice for unborn children who
26 would have lived had it not been for the criminal act of
27 another, NOW, THEREFORE,
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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 782.09, Florida Statutes, is
2 amended to read:

3 782.09 Killing of unborn child by injury to mother.--

4 (1) The unlawful willful killing of an unborn quick
5 child, by any injury to the mother of such child which would
6 be murder if it resulted in the death of such mother, shall be
7 deemed murder in the same degree as that which would have been
8 committed against the mother. A person who unlawfully kills an
9 unborn quick child by any injury to the mother:

10 (a) Which would be murder in the first degree
11 constituting a capital felony if it resulted in the mother's
12 death commits murder in the first degree constituting a
13 capital felony, punishable as provided in s. 775.082.

14 (b) Which would be murder in the second degree if it
15 resulted in the mother's death commits murder in the second
16 degree and a felony of the first degree, punishable as
17 provided in s. 775.082, s. 775.083, or s. 775.084.

18 (c) Which would be murder in the third degree if it
19 resulted in the mother's death commits murder in the third
20 degree and a felony of the second degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.

22 ~~manslaughter, a felony of the second degree, punishable as~~
23 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

24 (2) The unlawful killing of an unborn quick child, by
25 any injury to the mother of such child which would be
26 manslaughter if it resulted in the death of such mother, shall
27 be deemed manslaughter. A person who unlawfully kills an
28 unborn quick child by any injury to the mother which would be
29 manslaughter if it resulted in the mother's death commits
30 manslaughter and a felony of the second degree, punishable as
31 provided in s. 775.082, s. 775.083, or s. 775.084.

1 (3) The death of the mother resulting from the same
2 act or criminal episode which caused the death of the unborn
3 quick child shall not bar prosecution under this section.

4 Section 2. This act shall take effect July 1 of the
5 year in which enacted, and shall apply to offenses committed
6 on or after that date.

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9 HOUSE SUMMARY

10 Provides that killing an unborn quick child by an injury
11 to the mother which would be murder in any degree if it
12 resulted in the death of the mother is murder in the same
13 degree. Provides penalties. Provides that killing an
14 unborn quick child by an injury to the mother which would
15 be manslaughter if it resulted in the death of the mother
16 is manslaughter. Provides penalties. Specifies
17 circumstances under which the death of the mother does
18 not bar prosecution.
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