

hbd-032

Bill No. CS/HB 497

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Andrews offered the following:

Amendment (with title amendment)

14 On page 2, line 10, through page 5, line 11,
15 remove from the bill: all of said lines,

17 and insert in lieu thereof:

18 Section 1. Section 782.071, Florida Statutes, is
19 amended to read:

20 782.071 Vehicular homicide.--

21 (1) "Vehicular homicide" is the killing of a human
22 being, or the killing of an unborn quick child ~~a viable fetus~~
23 by any injury to the mother of such child which would be
24 vehicular homicide if it resulted in the death of the mother,
25 caused by the operation of a motor vehicle by another in a
26 reckless manner likely to cause the death of, or great bodily
27 harm to, another. Vehicular homicide is:

28 (a)(1) A felony of the second degree, punishable as
29 provided in s. 775.082, s. 775.083, or s. 775.084.

30 (b)(2) A felony of the first degree, punishable as
31 provided in s. 775.082, s. 775.083, or s. 775.084, if:

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1 1.(a) At the time of the accident, the person knew, or
2 should have known, that the accident occurred; and

3 2.(b) The person failed to give information and render
4 aid as required by s. 316.062.

5
6 This ~~paragraph subsection~~ does not require that the person
7 knew that the accident resulted in injury or death.

8 ~~(3) For purposes of this section, a fetus is viable~~
9 ~~when it becomes capable of meaningful life outside the womb~~
10 ~~through standard medical measures.~~

11 (2)(4) A right of action for civil damages shall exist
12 under s. 768.19, under all circumstances, for all deaths
13 described in this section.

14 (3) This section does not authorize the prosecution of
15 any person for:

16 (a) Conduct relating to an abortion for which the
17 consent of a pregnant woman, or a person authorized by law to
18 act on her behalf, has been obtained or for which such consent
19 is implied by law.

20 (b) Any medical treatment of a pregnant woman or her
21 unborn child.

22 Section 2. Section 782.09, Florida Statutes, is
23 amended to read:

24 782.09 Killing of unborn child by injury to mother.--

25 (1) The unlawful willful killing of an unborn quick
26 child, by any injury to the mother of such child which would
27 be murder if it resulted in the death of such mother, shall be
28 deemed murder in the same degree as that which would have been
29 committed against the mother. A person who unlawfully kills an
30 unborn quick child by any injury to the mother:

31 (a) Which would be murder in the first degree

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1 constituting a capital felony if it resulted in the mother's
2 death commits murder in the first degree constituting a
3 capital felony, punishable as provided in s. 775.082.

4 (b) Which would be murder in the second degree if it
5 resulted in the mother's death commits murder in the second
6 degree, a felony of the first degree, punishable as provided
7 in s. 775.082, s. 775.083, or s. 775.084.

8 (c) Which would be murder in the third degree if it
9 resulted in the mother's death commits murder in the third
10 degree manslaughter, a felony of the second degree, punishable
11 as provided in s. 775.082, s. 775.083, or s. 775.084.

12 (2) The unlawful killing of an unborn quick child, by
13 any injury to the mother of such child which would be
14 manslaughter if it resulted in the death of such mother, shall
15 be deemed manslaughter. A person who unlawfully kills an
16 unborn quick child by any injury to the mother which would be
17 manslaughter if it resulted in the mother's death commits
18 manslaughter, a felony of the second degree, punishable as
19 provided in s. 775.082, s. 775.083, or s. 775.084.

20
21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, lines 3 through 7,
25 remove from the title of the bill: all of said lines,

26
27 and insert in lieu thereof:

28 amending s. 782.071, F.S.; providing that the
29 act does not authorize the prosecution of a
30 person for conduct relating to a lawful
31 abortion or for medical treatment; amending s.