

Bill No. SB 234

Barcode 631328

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Argenziano) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause,

and insert:

Section 1. This act may be cited as the "Florida Unborn Victims of Violence Act."

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

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

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

(a) Which would be murder in the first degree

Bill No. SB 234

Barcode 631328

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, a felony of the second degree, punishable as provided  
11 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 (3) The death of the mother resulting from the same  
21 act or criminal episode that caused the death of the unborn  
22 quick child does not bar prosecution under this section.

23 (4) This section does not authorize the prosecution of  
24 any person in connection with a termination of pregnancy  
25 pursuant to chapter 390.

26 (5) For purposes of this section, the definition of  
27 the term "unborn quick child" shall be determined in  
28 accordance with the definition of viable fetus as set forth in  
29 s. 782.071.

30 (6) An offense under this section does not require  
31 that the person engaging in the conduct:

Bill No. SB 234

Barcode 631328

1       (a) Had knowledge or should have had knowledge that  
2 the victim of the underlying offense was pregnant; or

3       (b) Intended to cause the death of, or bodily injury  
4 to, the unborn quick child.

5           Section 3. This act shall take effect October 1, 2007.

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8 ===== T I T L E   A M E N D M E N T =====

9 And the title is amended as follows:

10           On Page 1, lines 3-13, delete those lines

11

12 and insert:

13           quick children; providing a short title;  
14           amending s. 782.09, F.S.; providing that  
15           certain offenses relating to the killing of an  
16           unborn quick child by injury to the mother do  
17           not require specified knowledge or intent;  
18           providing an effective

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