

SENATE FILE NO. SF0128

Unborn victims of violence act.

Sponsored by: Senator(s) Hutchings, Anderson, Baldwin,
Biteman, Boner, Dockstader, Hicks, James,
Kost, Schuler and Steinmetz and
Representative(s) Blackburn, Clem, Edwards,
Eklund, Gray, Jennings, Miller, Piiparinen,
Salazar, Styvar and Wilson

A BILL

for

1 AN ACT relating to crimes and offenses; providing criminal
2 offenses for harm to an unborn child; providing exceptions;
3 providing penalties; providing definitions; and providing for
4 an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 6-2-801 through 6-2-808 are created to
9 read:

10

11

ARTICLE 8

12

UNBORN VICTIMS

13

1 **6-2-801. Unborn victims of violence act; short title.**

2

3 This act shall be known and may be cited as the "Unborn
4 Victims of Violence Act".

5

6 **6-2-802. Definitions.**

7

8 (a) As used in this act:

9

10 (i) "Conception" means the fecundation of the ovum
11 by the spermatozoa;

12

13 (ii) "Mother of the unborn child" means the woman
14 carrying the unborn child;

15

16 (iii) "Unborn child" means the offspring of human
17 beings from conception until birth;

18

19 (iv) "This act" means W.S. 6-2-801 through
20 6-2-808.

21

22 **6-2-803. Exclusions.**

23

1 (a) Nothing in this act shall apply to:

2

3 (i) Any act committed by the mother of an unborn
4 child;

5

6 (ii) Any lawful medical procedure performed by a
7 physician or other licensed medical professional at the
8 request of the mother of an unborn child or the mother's legal
9 guardian;

10

11 (iii) Any act committed during an abortion
12 authorized pursuant to W.S. 35-6-101 through 35-6-119;

13

14 (iv) An act committed pursuant to usual and
15 customary standards of medical practice during diagnostic
16 testing or therapeutic treatment; or

17

18 (v) The lawful dispensing or administration of
19 prescribed medication.

20

21 **6-2-804. Battery of unborn child.**

22

1 (a) A person is guilty of battery of an unborn child if
2 he causes bodily injury to an unborn child:

3

4 (i) Intentionally, knowingly or recklessly;

5

6 (ii) While attempting to cause bodily injury to
7 the mother of the unborn child or any other person; or

8

9 (iii) In the course of intentionally, knowingly or
10 recklessly causing bodily injury to the mother of the unborn
11 child or any other person.

12

13 (b) Battery of an unborn child is a misdemeanor
14 punishable by imprisonment for not more than one (1) year, a
15 fine of not more than one thousand dollars (\$1,000.00), or
16 both.

17

18 **6-2-805. Aggravated battery of unborn child.**

19

20 (a) A person is guilty of aggravated battery of an
21 unborn child if he causes serious bodily injury to an unborn
22 child:

23

1 (i) Intentionally, knowingly or recklessly;

2

3 (ii) While attempting to cause bodily injury or
4 serious bodily injury to the mother of the unborn child or
5 any other person; or

6

7 (iii) In the course of intentionally, knowingly or
8 recklessly causing bodily injury or serious bodily injury to
9 the mother of the unborn child or any other person.

10

11 (b) Aggravated battery of an unborn child is a felony
12 punishable by imprisonment for not more than ten (10) years.

13

14 **6-2-806. Murder of unborn child in the first degree,**
15 **penalties.**

16

17 (a) A person is guilty of murder of an unborn child in
18 the first degree if he kills an unborn child with the intent
19 to:

20

21 (i) Kill the unborn child; or

22

1 (ii) Kill the mother of the unborn child or any
2 other person.

3

4 (b) A person convicted of murder of an unborn child in
5 the first degree shall be punished by life imprisonment
6 without parole or life imprisonment according to law.

7

8 **6-2-807. Murder of unborn child in the second degree,**
9 **penalties.**

10

11 (a) A person is guilty of murder of an unborn child in
12 the second degree if he kills an unborn child:

13

14 (i) With the intent to cause serious bodily injury
15 to the unborn child;

16

17 (ii) With the intent to cause serious bodily
18 injury to the mother of the unborn child or any other person;
19 or

20

21 (iii) In the perpetration of, or attempt to
22 perpetrate, an offense enumerated in W.S. 6-2-101(a).

23

1 (b) A person convicted of murder of an unborn child in
2 the second degree shall be imprisoned in the penitentiary for
3 any term not less than twenty (20) years, or during life.

4
5 **6-2-808. Manslaughter of unborn child.**

6
7 (a) A person is guilty of manslaughter of an unborn
8 child if he unlawfully kills an unborn child without malice,
9 expressed or implied, either:

10
11 (i) Voluntarily, upon a sudden heat of passion; or

12
13 (ii) Involuntarily, but recklessly except under
14 circumstances constituting a violation of W.S. 6-2-106(b).

15
16 (b) Except as provided in W.S. 6-2-109, manslaughter is
17 a felony punishable by imprisonment in the penitentiary for
18 not more than twenty (20) years.

19
20 **Section 2.** W.S. 6-2-106(a), (b)(i), (ii) and (d) is
21 amended to read:

22

1 **6-2-106. Homicide by vehicle; aggravated homicide by**
2 **vehicle; penalties.**

3
4 (a) Except as provided in subsection (b) of this
5 section, a person is guilty of homicide by vehicle and shall
6 be fined not more than two thousand dollars (\$2,000.00) or
7 imprisoned in the county jail for not more than one (1) year,
8 or both, if he operates or drives a vehicle in a criminally
9 negligent manner, and his conduct is the proximate cause of
10 the death of another person or unborn child, as defined in
11 W.S. 6-2-802(a)(iii). Evidence of a violation of any state
12 law or ordinance applying to the operation or use of a vehicle
13 or to the regulation of traffic, except for evidence of a
14 violation of W.S. 10-6-103, 31-5-233 and 41-13-206, is
15 admissible in any prosecution under this subsection.

16
17 (b) A person is guilty of aggravated homicide by
18 vehicle and shall be punished by imprisonment in the
19 penitentiary for not more than twenty (20) years, if:

20
21 (i) While operating or driving a vehicle in
22 violation of W.S. 10-6-103, 31-5-233 or 41-13-206, he causes

1 the death of another person or unborn child and the violation
2 is the proximate cause of the death; or

3

4 (ii) He operates or drives a vehicle in a reckless
5 manner, and his conduct is the proximate cause of the death
6 of another person or unborn child.

7

8 (d) Any person convicted of aggravated homicide by
9 vehicle for causing the death of another person or unborn
10 child while operating or driving a vehicle in violation of
11 W.S. 31-5-233 shall not be issued an ignition interlock
12 restricted license under W.S. 31-5-233 or 31-7-401 through
13 31-7-404.

14

15 **Section 3.** This act is effective July 1, 2019.

16

17

(END)