

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2552

As Amended by House Committee on
Federal and State Affairs

Brief*

The bill would create the Unborn Victims of Violence Act to extend coverage of the Kansas Criminal Code to unborn children and to increase criminal penalties for injuries to a pregnant woman.

Crimes that apply to a "person" and "human being" as used in the criminal code would also apply to an unborn child, which means a fetus in utero at any stage of development or gestation from conception until live birth. Exempt from the crime on an unborn child would be acts committed by a mother of the unborn child, any medical procedure, including abortion, and the lawful dispensation and administration of drugs. A severability clause is included in these provisions.

The crime for injury to a pregnant woman in the commission of a felony would be increased to a severity level 3 from a 4 person felony. Injury to a pregnant woman in the commission of a violation for domestic battery, battery against a law enforcement officer, or sexual battery would be increased to a severity level 4 from a 5 person felony. Injury to a pregnant woman in the commission of a misdemeanor other than a violation for domestic battery, battery against a law enforcement officer, or sexual battery is a class A person misdemeanor.

Background

Proponents who testified in favor of the bill included Representative Brunk, a District Attorney from Wyandotte Count, and representatives from the Kansas Catholic Conference, Kansans for Life, and the Right to Life of Kansas Inc. Written testimony was submitted by Concerned Women for America of Kansas and Americans United for

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Life.

Opponents of the bill included representatives of Planned Parenthood of Kansas and Mid-Missouri, Pro Kan Do, Kansas National Organization for Women, a law professor from the University of Kansas, Kansas Coalition Against Sexual and Domestic Violence, and the National Council of Jewish Women.

According to the fiscal note, passage of HB 2552 would have no fiscal effect on the State Board of Healing Arts, but would have a fiscal effect on the courts if additional or more severe criminal charges were filed in any case in which an unborn child is injured or killed.