

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE JOINT RESOLUTION DRSJR65349-RK-47A (05/21)

Sponsors: Senator Brunstetter.

Referred to:

1 A JOINT RESOLUTION AUTHORIZING THE 2007 GENERAL ASSEMBLY TO
2 CONSIDER A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE
3 LAW THAT MAKES INJURY TO A PREGNANT WOMAN A ONE
4 CLASSIFICATION HIGHER OFFENSE FROM THE UNDERLYING OFFENSE
5 TO A SEPARATE OFFENSE IF THE WOMAN IS PAST HER TWENTIETH
6 WEEK OF PREGNANCY, AND TO INCLUDE AS AN AGGRAVATING
7 FACTOR IN FELONY CASES THAT THE VICTIM WAS PREGNANT.

8 Whereas, there are 36 states that make it a separate offense to cause the death
9 of a "fetus," "quick," or "unborn child," including: Alabama, Alaska, Arizona,
10 Arkansas, California, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas,
11 Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota,
12 Mississippi, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oklahoma,
13 Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah,
14 Virginia, Washington, and Wisconsin; and

15 Whereas, the General Assembly enacted an "Injury to Pregnant Woman"
16 statute in 1998 that defined "miscarriage" and "stillbirth" and provided a sanction for the
17 criminal conduct against a pregnant woman that caused a miscarriage or stillbirth; and

18 Whereas, the 1998 statute fully excepted from its provisions any lawful right
19 to an abortion permitted by State law; and

20 Whereas, an unlawful act that results in the death of a fetus or unborn child
21 should be recognized as a separate criminal offense in this State, as it has been
22 recognized in a majority of state jurisdictions in the United States; Now, therefore,
23 Be it resolved by the Senate, the House of Representatives concurring:

24 **SECTION 1.** The 2007 General Assembly may consider "A BILL TO BE
25 ENTITLED AN ACT TO AMEND THE STATE LAW THAT MAKES INJURY TO A
26 PREGNANT WOMAN A ONE CLASSIFICATION HIGHER OFFENSE FROM THE
27 UNDERLYING OFFENSE TO A SEPARATE OFFENSE IF THE WOMAN IS PAST
28 HER TWENTIETH WEEK OF PREGNANCY, AND TO INCLUDE AS AN

1 AGGRAVATING FACTOR IN FELONY CASES THAT THE VICTIM WAS
2 PREGNANT."

3 **SECTION 2.** This resolution is effective upon ratification.