

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 594  
Committee Substitute Favorable 4/29/97  
Senate Judiciary Committee Substitute Adopted 6/17/98

Short Title: Injury to Preg. Woman.

(Public)

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Sponsors:

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Referred to: Appropriations.

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March 24, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENHANCE THE PUNISHMENT IMPOSED FOR INJURING A  
3 PREGNANT WOMAN IN THE COMMISSION OF A FELONY OR ACT OF  
4 DOMESTIC VIOLENCE, CAUSING A MISCARRIAGE OR STILLBIRTH.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 6 of Chapter 14 of the General Statutes is amended by  
7 adding a new section to read:

8 "**§ 14-18.2. Injury to pregnant woman.**

9 (a) Definitions. – The following definitions shall apply in this section:

10 (1) Miscarriage. – The interruption of the normal development of the fetus,  
11 other than by a live birth, and which is not an induced abortion  
12 permitted under G.S. 14-45.1, resulting in the complete expulsion or  
13 extraction of the fetus from a pregnant woman.

14 (2) Stillbirth. – The death of a fetus prior to the complete expulsion or  
15 extraction from a woman irrespective of the duration of pregnancy and  
16 which is not an induced abortion permitted under G.S. 14-45.1.

1       **(b)** A person who in the commission of a felony causes injury to a woman,  
2 knowing the woman to be pregnant, which injury results in a miscarriage or stillbirth by  
3 the woman is guilty of a felony that is one class higher than the felony committed.

4       **(c)** A person who in the commission of a misdemeanor that is an act of domestic  
5 violence as defined in Chapter 50B of the General Statutes causes injury to a woman,  
6 knowing the woman to be pregnant, which results in miscarriage or stillbirth by the  
7 woman is guilty of a misdemeanor that is one class higher than the misdemeanor  
8 committed. If the offense was a Class A1 misdemeanor, the defendant is guilty of a Class  
9 I felony.

10       **(d)** This section shall not apply to acts committed by a pregnant woman which  
11 result in a miscarriage or stillbirth by the woman herself."

12               Section 2. This act becomes effective December 1, 1998, and applies to  
13 offenses committed on or after that date.