

ASSEMBLY, No. 2357

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

“Laci and Connor’s Law,” creates the offense of fetal homicide.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning fetal homicide, designated as “Laci and
2 Connor’s Law,” amending N.J.S.2C:11-2 and supplementing
3 Title 2C of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.2C:11-2 is amended to read as follows:

9 2C:11-2. Criminal Homicide. a. A person is guilty of criminal
10 homicide if he purposely, knowingly, recklessly or, under the
11 circumstances set forth in **[section]** N.J.S.2C:11-5 or section 1 of
12 P.L.2017, c.165 (C.2C:11-5.3), causes the death of another human
13 being or an unborn child.

14 b. Criminal homicide is murder, manslaughter, fetal homicide
15 or death by auto.

16 (cf: P.L.2017, c.165, s.2)

17
18 2. (New section) Fetal Homicide. a. Criminal homicide
19 constitutes fetal homicide, if the actor:

20 (1) purposely causes the death of an unborn child or the actor
21 purposely causes serious bodily injury to the victim resulting in the
22 death of her unborn child; or

23 (2) knowingly causes the death of an unborn child or the actor
24 knowingly causes serious bodily injury to the victim resulting in the
25 death of her unborn child.

26 b. The provisions in subsection a. shall not apply to any person
27 who commits an act which results in the death of an unborn child if
28 any of the following apply:

29 (1) The act was committed pursuant to usual and customary
30 standards of medical practice during a diagnostic testing or
31 therapeutic treatment; or

32 (2) The act was solicited, aided or consented to by the mother of
33 the unborn child.

34 c. As used in this act "unborn child" means an individual at any
35 stage of development from fertilization until birth.

36 d. Fetal homicide is a crime of the first degree.
37 Notwithstanding the provisions of N.J.S.2C:43-6, the term of
38 imprisonment shall be 20 years, during which the person shall not
39 be eligible for parole.

40
41 3. This act shall take effect immediately.

42
43 STATEMENT

44
45 This bill, designated as the “Laci and Connor’s Law.” provides
46 that the intentional killing of an unborn child would constitute
47 criminal homicide in New Jersey.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Currently, the murder of a pregnant woman is one count of
2 murder; the death of an unborn child is not a homicide under New
3 Jersey law. Under this bill, the death of the unborn child would
4 constitute a separate count of murder, independent of charges
5 related to the death of or injury to the mother.

6 Specifically, the bill provides that a person would be guilty of
7 the crime of fetal homicide if he purposely causes the death of an
8 unborn child or purposely causes serious bodily injury to the victim
9 resulting in the death of her unborn child, or knowingly causes the
10 death of an unborn child or knowingly causes serious bodily injury
11 to the victim resulting in the death of her unborn child.

12 The bill would not apply to a person who commits an act which
13 results in the death of an unborn child under any of the following
14 circumstances:

15 (1) The act was committed pursuant to usual and customary
16 standards of medical practice during a diagnostic testing or
17 therapeutic treatment; or

18 (2) The act was solicited, aided or consented to by the mother of
19 the unborn child.

20 The bill defines the term "unborn child" as "an individual at any
21 stage of development from fertilization until birth."

22 Under the bill, fetal homicide would be a crime of the first
23 degree and upon conviction the defendant would be sentenced by
24 the court to a term of 20 years during which the person would not
25 be eligible for parole.

26 The sponsor notes that at least 38 states have enacted fetal
27 homicide laws. Many such laws came into existence following the
28 enactment at the federal level of the "Unborn Victims of Violence
29 Act," codified as 18 U.S.C. s.1841, and known as "Laci and
30 Conner's Law," which recognizes a child in utero who is injured or
31 killed during a crime of violence as a victim.

32 In December, 2002, Laci Denise Peterson was killed in the
33 eighth month of her pregnancy in Modesto, California. Her husband
34 Scott Peterson was convicted of first degree murder in her death and
35 second degree murder in the death of her unborn child, Conner.