

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE JOINT RESOLUTION 2162**

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Sponsors: Senators Brunstetter; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brown, Clodfelter, East, Forrester, Goodall, Hartsell, Hoyle, Hunt, Jacumin, Kerr, Preston, Smith, Snow, Stevens, Swindell, and Tillman.

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Referred to: Rules and Operations of the Senate.

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June 4, 2008

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.