

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 433**

BY SENATORS PLYMALE (BY REQUEST) AND BOSO

[Introduced January 25, 2019; Referred

to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §61-2-31, relating to recognizing a fetus as a separate victim.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-31. Recognizing a fetus as a distinct victim.**

1 (a) Any person convicted of any misdemeanor or felony in violation of this code where a  
2 pregnant woman is involved, the fetus she is carrying in the womb constitutes a separate and  
3 distinct victim.

4 (b) For the purposes of this section "fetus" means a developing human that has ended the  
5 embryonic period and thereafter continues to develop and mature until termination of the  
6 pregnancy or birth.

7 (c) A prosecution for or conviction under this section is not a bar to conviction of or  
8 punishment for any other crime committed by the defendant arising from the same incident.

NOTE: The purpose of this bill is to recognize a fetus as a separate victim.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.