

Article - Criminal Law

2-103.

(A) FOR PURPOSES OF A PROSECUTION UNDER THIS TITLE, "VIABLE" HAS THE MEANING STATED IN § 20-209 OF THE HEALTH - GENERAL ARTICLE.

(B) EXCEPT AS PROVIDED IN SUBSECTIONS ~~(C) AND (D)~~ (D) THROUGH (F) OF THIS SECTION, A PROSECUTION MAY BE INSTITUTED FOR ~~MURDER, MANSLAUGHTER, OR UNLAWFUL HOMICIDE OF A FETUS, WHETHER AT COMMON LAW OR UNDER THIS TITLE, FOR AN ACT OR OMISSION FAILURE TO ACT THAT:~~

~~(1) OCCURRED WHILE THE VICTIM FETUS WAS A VIABLE FETUS; AND~~

~~(2) CAUSED THE DEATH OF THE VICTIM VIABLE FETUS MURDER OR MANSLAUGHTER OF A VIABLE FETUS.~~

~~(C) A PERSON PROSECUTED FOR MURDER, MANSLAUGHTER, OR UNLAWFUL HOMICIDE MURDER OR MANSLAUGHTER AS PROVIDED IN SUBSECTION (B) OF THIS SECTION MUST HAVE:~~

~~(1) INTENDED TO CAUSE THE DEATH OF THE VIABLE FETUS OR PREGNANT WOMAN;~~

~~(2) INTENDED TO CAUSE SERIOUS PHYSICAL INJURY TO THE VIABLE FETUS OR PREGNANT WOMAN; OR~~

~~(3) WILLFULLY WANTONLY OR RECKLESSLY DISREGARDED THE LIKELIHOOD THAT THE ACT OR FAILURE TO ACT THE PERSON'S ACTIONS WOULD CAUSE THE DEATH OF OR SERIOUS PHYSICAL INJURY TO THE VIABLE FETUS OR THE PREGNANT WOMAN.~~

~~(D) NOTHING IN THIS SECTION APPLIES TO OR INFRINGES ON A WOMAN'S RIGHT TO TERMINATE A PREGNANCY AS STATED IN § 20-209 OF THE HEALTH - GENERAL ARTICLE.~~

~~(E) NOTHING IN THIS SECTION SUBJECTS A PHYSICIAN TO PROSECUTION FOR A DECISION TO PERFORM AN ABORTION AS STATED IN § 20-209 OF THE HEALTH - GENERAL ARTICLE.~~

~~(F) NOTHING IN THIS SECTION SUBJECTS A PHYSICIAN OR OTHER LICENSED MEDICAL PROFESSIONAL TO LIABILITY FOR FETAL DEATH THAT OCCURS IN THE COURSE OF ADMINISTERING REASONABLE LAWFUL MEDICAL CARE.~~

~~(G) NOTHING IN THIS SECTION APPLIES TO AN ACT OR FAILURE TO ACT OF A PREGNANT WOMAN WITH REGARD TO HER OWN FETUS.~~

~~(H) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFER PERSONHOOD OR ANY RIGHTS ON THE FETUS.~~

~~(I) THE COMMISSION OF FIRST DEGREE MURDER OF A VIABLE FETUS UNDER THIS SECTION, IN CONJUNCTION WITH THE COMMISSION OF ANOTHER FIRST~~