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HOUSE BILL 698

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Terry T. Marquardt

AN ACT

RELATING TO CRIMINAL LAW; CREATING A SEPARATE AND ADDITIONAL  
OFFENSE WHEN CRIMINAL CONDUCT INJURES OR KILLS AN UNBORN CHILD;  
ENACTING A NEW MEXICO VERSION OF "LACI AND CONNER'S LAW".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted  
to read:

"[NEW MATERIAL] CRIMES AGAINST AN UNBORN CHILD.--

A. Whoever in the commission of a crime causes  
injury to or death of a child who is in utero at the time of  
the offense is guilty of a separate and additional offense in  
relation to the unborn child and is subject to the same  
penalties for that offense as if the injury or death occurred  
to the unborn child's mother.

B. An offense under Subsection A of this section

1 does not require proof that the person committing the crime:

2 (1) had knowledge or should have had knowledge  
3 of the existence of the unborn child; or

4 (2) intended to cause injury or death to the  
5 unborn child.

6 C. If a person intentionally causes injury to or  
7 death of an unborn child, the person shall be punished as  
8 provided in the Criminal Code for intentionally causing injury  
9 to or death of a human being, and the provisions of this  
10 section shall not apply.

11 D. Notwithstanding any other provision of law, the  
12 death penalty shall not be imposed for an offense under this  
13 section.

14 E. Nothing in this section shall be construed to  
15 permit prosecution:

16 (1) for conduct relating to an abortion for  
17 which the consent of the pregnant woman or a person authorized  
18 to act on her behalf has been obtained or for which the consent  
19 is implied by law;

20 (2) for medical treatment of the pregnant  
21 woman or her unborn child; or

22 (3) of any woman with respect to her unborn  
23 child."

24 Section 2. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2005.

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