

106TH CONGRESS  
1ST SESSION

# H. R. 2436

To amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1999

Mr. GRAHAM (for himself, Mr. SMITH of New Jersey, and Mr. CANADY of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unborn Victims of Vio-

5 lence Act of 1999”.

1 **SEC. 2. PROTECTION OF UNBORN CHILDREN.**

2 (a) IN GENERAL.—Title 18, United States Code, is  
3 amended by inserting after chapter 90 the following:

4 **“CHAPTER 90A—PROTECTION OF UNBORN**  
5 **CHILDREN**

“Sec.

“1841. Protection of unborn children.

6 **“§ 1841. Protection of unborn children**

7 “(a)(1) Whoever engages in conduct that violates any  
8 of the provisions of law listed in subsection (b) and thereby  
9 causes the death of, or bodily injury (as defined in section  
10 1365) to, a child, who is in utero at the time the conduct  
11 takes place, is guilty of a separate offense under this sec-  
12 tion.

13 “(2) The punishment for that separate offense is the  
14 same as the punishment provided under Federal law for  
15 that conduct had that injury or death occurred to the un-  
16 born child’s mother, except that the death penalty shall  
17 not be imposed.

18 “(b) The provisions referred to in subsection (a) are  
19 the following:

20 “(1) Sections 36, 37, 43, 111, 112, 113, 114,  
21 115, 229A(a)(2), 242, 245, 247, 248, 351, 831,  
22 844(d), (f), and (i), 924(j), 930, 1111, 1112, 1114,  
23 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a),  
24 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513,

1 1751, 1864, 1952(a)(1)(B), (a)(2)(B), and  
 2 (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116,  
 3 2118, 2119, 2191, 2231, 2241(a), 2245, 2261,  
 4 2261a, 2280, 2281, 2332, 2332a, 2332b, 2340A,  
 5 and 2441 of this title.

6 “(2) Section 408(e) of the Controlled Sub-  
 7 stances Act of 1970 (21 U.S.C. 848).

8 “(3) Section 202 of the Atomic Energy Act of  
 9 1954 (42 U.S.C. 2283).

10 “(c) Nothing in this section shall be construed to per-  
 11 mit the prosecution—

12 “(1) of any person for conduct relating to an  
 13 abortion for which the consent of the pregnant  
 14 woman has been obtained or for which such consent  
 15 is implied by law in a medical emergency;

16 “(2) of any person for any medical treatment of  
 17 the pregnant woman or her unborn child; or

18 “(3) of any woman with respect to her unborn  
 19 child.

20 “(d) As used in this section, the term ‘unborn child’  
 21 means a child in utero.”

22 (b) CLERICAL AMENDMENT.—The table of chapters  
 23 for part I of title 18, United States Code, is amended by  
 24 inserting after the item relating to chapter 90 the fol-  
 25 lowing new item:

**“90A. Protection of unborn children ..... 1841”.**

1 **SEC. 3. MILITARY JUSTICE SYSTEM.**

2 (a) PROTECTION OF UNBORN CHILDREN.—Sub-  
3 chapter X of chapter 47 of title 10, United States Code  
4 (the Uniform Code of Military Justice), is amended by in-  
5 serting after section 919 (article 119) the following new  
6 section:

7 **“§ 919a. Art. 119a. Protection of unborn children**

8 “(a)(1) Any person subject to this chapter who en-  
9 gages in conduct that violates any of the provisions of law  
10 listed in subsection (b) and thereby causes the death of,  
11 or bodily injury (as defined in section 1365 of title 18)  
12 to, a child, who is in utero at the time the conduct takes  
13 place, is guilty of a separate offense under this section.

14 “(2) The punishment for that separate offense is the  
15 same as the punishment provided for that conduct under  
16 this chapter had the injury or death occurred to the un-  
17 born child’s mother, except that the death penalty shall  
18 not be imposed.

19 “(b) The provisions referred to in subsection (a) are  
20 sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926,  
21 and 928 of this title (articles 118, 119(a), 119(b)(2),  
22 120(a), 122, 124, 126, and 128).

23 “(c) Subsection (a) does not permit prosecution—

24 “(1) for conduct relating to an abortion for  
25 which the consent of the pregnant woman has been

1       obtained or for which such consent is implied by law  
2       in a medical emergency;

3               “(2) for conduct relating to any medical treat-  
4       ment of the pregnant woman or her unborn child; or

5               “(3) of any woman with respect to her unborn  
6       child.

7       “(d) In this section, the term ‘unborn child’ means  
8       a child in utero.”.

9       (b) CLERICAL AMENDMENT.—The table of sections  
10      at the beginning of such subchapter is amended by insert-  
11      ing after the item relating to section 919 the following  
12      new item:

“919a. 119a. Protection of unborn children.”.

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