



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1144

Introduced 02/07/11, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-1.2

from Ch. 38, par. 9-1.2

Amends the Criminal Code of 1961. In the offense of intentional homicide of an unborn child, eliminates the requirement that the defendant knew that the woman was pregnant.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 9-1.2 as follows:

6 (720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

7 Sec. 9-1.2. Intentional Homicide of an Unborn Child.

8 (a) A person commits the offense of intentional homicide of
9 an unborn child if, in performing acts which cause the death of
10 an unborn child, he without lawful justification:

11 (1) either intended to cause the death of or do great
12 bodily harm to the pregnant woman or her unborn child or
13 knew that such acts would cause death or great bodily harm
14 to the pregnant woman or her unborn child; or

15 (2) knew that his acts created a strong probability of
16 death or great bodily harm to the pregnant woman or her
17 unborn child. ~~and~~

18 ~~(3) knew that the woman was pregnant.~~

19 (b) For purposes of this Section, (1) "unborn child" shall
20 mean any individual of the human species from fertilization
21 until birth, and (2) "person" shall not include the pregnant
22 woman whose unborn child is killed.

23 (c) This Section shall not apply to acts which cause the

1 death of an unborn child if those acts were committed during
2 any abortion, as defined in Section 2 of the Illinois Abortion
3 Law of 1975, as amended, to which the pregnant woman has
4 consented. This Section shall not apply to acts which were
5 committed pursuant to usual and customary standards of medical
6 practice during diagnostic testing or therapeutic treatment.

7 (d) Penalty. The sentence for intentional homicide of an
8 unborn child shall be the same as for first degree murder,
9 except that:

10 (1) the death penalty may not be imposed;

11 (2) if the person committed the offense while armed
12 with a firearm, 15 years shall be added to the term of
13 imprisonment imposed by the court;

14 (3) if, during the commission of the offense, the
15 person personally discharged a firearm, 20 years shall be
16 added to the term of imprisonment imposed by the court;

17 (4) if, during the commission of the offense, the
18 person personally discharged a firearm that proximately
19 caused great bodily harm, permanent disability, permanent
20 disfigurement, or death to another person, 25 years or up
21 to a term of natural life shall be added to the term of
22 imprisonment imposed by the court.

23 (e) The provisions of this Act shall not be construed to
24 prohibit the prosecution of any person under any other
25 provision of law.

26 (Source: P.A. 96-1000, eff. 7-2-10.)