

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 398

(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 2, strike “Homicide” and substitute “Murder and Manslaughter”; in line 4, strike “murder, manslaughter, or” and substitute “murder or manslaughter of a viable fetus”; in the same line, strike “unlawful homicide”; strike beginning with “for” in line 5 down through “fetus” in line 6; in line 7, after “Act;” insert “providing that the commission of certain acts under certain circumstances shall not constitute a certain aggravating circumstance;”; in line 8, strike “murder, manslaughter, or” and substitute “murder or manslaughter.”; and in line 9, strike “unlawful homicide.”.

AMENDMENT NO. 2

On page 2, strike beginning with “MURDER” in line 6 down through “FETUS” in line 10 and substitute “MURDER OR MANSLAUGHTER OF A VIABLE FETUS”; strike beginning with “MURDER” in line 11 down through “HOMICIDE” in line 12 and substitute “MURDER OR MANSLAUGHTER”; in line 13, after the second “THE” insert “VIABLE”; in lines 13 and 14, strike “OR PREGNANT WOMAN”; in line 15, after “THE” insert “VIABLE”; in lines 15 and 16, strike “OR PREGNANT WOMAN”; in line 17, strike “WILLFULLY” and substitute “WANTONLY”; in line 18, strike “THE ACT OR FAILURE TO ACT” and substitute “THE PERSON’S ACTIONS”; in line 19, after the first “THE” insert “VIABLE”; in the same line, strike “OR THE PREGNANT WOMAN”; in line 28, strike “REASONABLE” and substitute “LAWFUL”; in line 30, after “WOMAN” insert “WITH REGARD TO HER OWN FETUS”; and after line 32, insert:

“(H) THE COMMISSION OF FIRST DEGREE MURDER OF A VIABLE FETUS UNDER THIS SECTION, IN CONJUNCTION WITH THE COMMISSION OF ANOTHER FIRST DEGREE MURDER ARISING OUT OF THE SAME INCIDENT, DOES NOT CONSTITUTE AN AGGRAVATING CIRCUMSTANCE SUBJECTING A DEFENDANT TO THE DEATH PENALTY UNDER § 2-303(G)(IX) OF THIS ARTICLE.”.