



**SENATE AMENDMENT 3,
TO 1997 ASSEMBLY BILL 221**

April 30, 1998 – Offered by Senator RISSER.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 10: delete “an unborn child” and substitute “a viable fetus”.
- 3 **2.** Page 3, line 8: delete “an unborn child” and substitute “a viable fetus”.
- 4 **3.** Page 3, line 10: delete “an unborn child, as defined in s. 939.75 (1),” and
5 substitute “a viable fetus, as defined in s. 939.75 (1) (b),”.
- 6 **4.** Page 4, line 1: delete “an unborn child, as defined in s. 939.75 (1),” and
7 substitute “a viable fetus, as defined in s. 939.75 (1) (b),”.
- 8 **5.** Page 6, line 1: delete that line and substitute “a viable fetus, to the woman
9 who is pregnant with that viable fetus or to another”.
- 10 **6.** Page 6, line 10: delete that line and substitute “harm to a viable fetus, to
11 the woman who is pregnant with that viable fetus or”.
- 12 **7.** Page 6, line 24: delete “**an unborn child**” and substitute “**a viable fetus**”.

1 **8.** Page 7, line 2: delete lines 2 and 3 and substitute “(2) (b), 940.24 (2) and
2 940.25 (1) (c) to (e) and (1b):

3 (a) “Viability” has the meaning given in s. 940.15 (1).

4 (b) “Viable fetus” means any individual of the human species from viability
5 until birth.”.

6 **9.** Page 7, line 22: delete “an unborn child” and substitute “a viable fetus”.

7 **10.** Page 7, line 23: on lines 23 and 24, delete “unborn child” and substitute
8 “viable fetus”.

9 **11.** Page 8, line 14: delete “an” and substitute “a”.

10 **12.** Page 8, line 15: on lines 15, in both places, and 16, delete “unborn child”
11 and substitute “viable fetus”.

12 **13.** Page 8, line 18: delete “an unborn child” and substitute “a viable fetus”.

13 **14.** Page 8, line 19: on lines 19 and 20, delete “unborn child” and substitute
14 “viable fetus”.

15 **15.** Page 9, line 1: delete “an unborn child” and substitute “a viable fetus”.

16 **16.** Page 9, line 2: in both places, delete “unborn child” and substitute “viable
17 fetus”.

18 **17.** Page 9, line 12: delete lines 12 and 13 and substitute “that the defendant
19 caused the death of a viable fetus with the intent to kill that viable fetus, kill the
20 woman who is pregnant with that viable fetus or kill another.”.

21 **18.** Page 9, line 16: on lines 16, 20 and 24, delete “an unborn child” and
22 substitute “a viable fetus”.

1 **19.** Page 10, line 1: on lines 1 and 4, delete “an unborn child” and substitute
2 “a viable fetus”.

3 **20.** Page 10, line 8: delete “an unborn” and substitute “a viable”.

4 **21.** Page 10, line 9: delete “child” and substitute “fetus”.

5 **22.** Page 10, line 20: on lines 20 and 22, delete “an unborn child” and
6 substitute “a viable fetus”.

7 **23.** Page 11, line 24: delete “an unborn child” and substitute “a viable fetus”.

8 **24.** Page 12, line 2: delete lines 2 to 21 and substitute:

9 **“940.195 Battery to a viable fetus; substantial battery to a viable fetus;
10 aggravated battery to a viable fetus. (1) Whoever causes bodily harm to a viable
11 fetus by an act done with intent to cause bodily harm to that viable fetus, to the
12 woman who is pregnant with that viable fetus or another is guilty of a Class A
13 misdemeanor.**

14 **(2) Whoever causes substantial bodily harm to a viable fetus by an act done
15 with intent to cause bodily harm to that viable fetus, to the woman who is pregnant
16 with that viable fetus or another is guilty of a Class E felony.**

17 **(3) Whoever causes substantial bodily harm to a viable fetus by an act done
18 with intent to cause substantial bodily harm to that viable fetus, to the woman who
19 is pregnant with that viable fetus or another is guilty of a Class D felony.**

20 **(4) Whoever causes great bodily harm to a viable fetus by an act done with
21 intent to cause bodily harm to that viable fetus, to the woman who is pregnant with
22 that viable fetus or another is guilty of a Class D felony.**

23 **(5) Whoever causes great bodily harm to a viable fetus by an act done with
24 intent to cause either substantial bodily harm or great bodily harm to that viable**

1 fetus, to the woman who is pregnant with that viable fetus or another is guilty of a
2 Class C felony.

3 (6) Whoever intentionally causes bodily harm to a viable fetus by conduct that
4 creates a substantial risk of great bodily harm is guilty of a Class D felony.”.

5 **25.** Page 13, line 1: delete “an unborn child” and substitute “a viable fetus”.

6 **26.** Page 13, line 2: on lines 2 and 3, delete “unborn child” and substitute
7 “viable fetus”.

8 **27.** Page 13, line 6: on lines 6, 10, 14, 16 and 19, delete “an unborn child” and
9 substitute “a viable fetus”.

10 **28.** Page 13, line 23: delete “an unborn” and substitute “a viable”.

11 **29.** Page 13, line 24: delete “child” and substitute “fetus”.

12 (END)