



Unborn Victims of Violence Act

S 3117 (Maltese)

A5777 (Benjamin)

SUPPORT

On April 1, 2004 President George W. Bush signed into law a federal **Unborn Victims of Violence Act**, also called Laci and Connor's Law, in memory of the murders of Laci Peterson and her unborn child, Connor. The federal law only applies to federal crimes or crimes committed on federal property. Since then, 35 States have enacted their own Unborn Victims of Violence Acts to cover non-federal crimes in their State. Unfortunately, the State of New York has not.

Under New York Law, if an unborn child is killed or injured, the offender may not be held criminally responsible for the harm caused to that child unless it had been "born alive" {Penal Law S 10.00(7), 125.05(1)}. The only criminal responsibility in such a situation will be for the harm caused to the pregnant mother.

The need for correction of this law can be plainly seen because of continuous New York media accounts of brutal violence against pregnant women and their unborn children. One cause of this violence is the State policy of demanding that fathers provide for their children. For example:

- In 1999, A 31-year old divorced nurse in the Bronx had an affair with married doctor. He asked her to get an abortion. When she refused and told him that he would have to pay child support, he forcefully injected her with two syringes containing methotrexate, an abortifient, telling her, "I am giving you an abortion.!"
- In January of 2002, a Buffalo man deliberately beat his pregnant girlfriend to abort an unborn child he had fathered.
- In April 2005, a 33-year old pregnant Brooklyn woman, just days away from her delivery date, was found dead of a gunshot wound to the head. Her former boyfriend was charged with second-degree murder in her death, but no charges can be brought for the death of her unborn son.
- In June 2006, a pregnant high school junior from Ramapo was beaten to death with a baseball bat by the 23 year old father of her baby. He was convicted of her murder but faced no charges for the death of the child.

This is simply not right and would be corrected by this legislation. It protects the right of a woman to carry her child until birth, and that perpetrators of crimes against women and their unborn children be held accountable for their crimes. This is justice.

The sponsors note, "This legislation has nothing to do with abortion and, in fact, **specifically excludes abortion** from the lists of acts to which it would apply. The bill applies solely to wrongful acts of outside parties who harm or kill an unborn child, often a child who is very much wanted by the mother."

New Yorkers for Constitutional Freedom strongly asks the New York State Legislature to pass this much needed legislation to protect women, their choice to carry their babies to full-term, and the unborn children.