

ASSEMBLY BILL

No. 1313

Introduced by Assembly Member Wagner

February 27, 2015

An act to amend Section 187 of the Penal Code, relating to murder.

LEGISLATIVE COUNSEL'S DIGEST

AB 1313, as introduced, Wagner. Crimes: murder.

Existing law defines murder as the unlawful killing of a human being or a fetus, except as specified, with malice aforethought. This provision does not apply to any person who commits an act that results in the death of a fetus if the act complies with specified exceptions, including complying with the Reproductive Privacy Act.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 187 of the Penal Code is amended to
2 read:
3 187. (a) Murder is the unlawful killing of a human being, or
4 a fetus, with malice aforethought.
5 (b) This section shall not apply to ~~any~~ a person who commits
6 an act that results in the death of a fetus if any of the following
7 apply:
8 (1) The act complied with the ~~Therapeutic Abortion Act,~~
9 *Reproductive Privacy Act*, Article ~~2~~ 2.5 (commencing with Section

1 ~~123400) 123460)~~ of Chapter 2 of Part 2 of Division 106 of the
2 Health and Safety Code.

3 (2) The act was committed by a holder of a physician's and
4 surgeon's certificate, as defined in the Business and Professions
5 Code, in a case where, to a medical certainty, the result of
6 childbirth would be death of the mother of the fetus or where her
7 death from childbirth, although not medically certain, would be
8 substantially certain or more likely than not.

9 (3) The act was solicited, aided, abetted, or consented to by the
10 mother of the fetus.

11 (c) Subdivision (b) shall not be construed to prohibit the
12 prosecution of ~~any~~ a person under any other ~~provision~~ of law.