

**ASSEMBLY BILL**

**No. 1872**

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**Introduced by Assembly Member Cohn**

January 18, 2006

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An act to amend Section 12022.9 of the Penal Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1872, as introduced, Cohn. Domestic violence: punishment.

Current law provides that any person who, during the commission of a felony or attempted felony, knows or reasonably should know that the victim is pregnant, and who, with intent to inflict injury, and without the consent of the woman, personally inflicts injury upon a pregnant woman that results in the termination of the pregnancy is subject to an enhancement of five years.

This bill would provide, in addition, that any person who is in a relationship where domestic violence may occur, as defined, during the commission of a felony or attempted felony, knows or reasonably should know that the victim is pregnant, and who, personally inflicts injury upon a pregnant woman is subject to an enhancement of five years.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 12022.9 of the Penal Code is amended  
2 to read:

3 12022.9. (a) Any person who, during the commission of a  
4 felony or attempted felony, knows or reasonably should know  
5 that the victim is pregnant, and who, with intent to inflict injury,  
6 and without the consent of the woman, personally inflicts injury  
7 upon a pregnant woman that results in the termination of the  
8 pregnancy shall be punished by an additional and consecutive  
9 term of imprisonment in the state prison for five years. The  
10 additional term provided in this subdivision shall not be imposed  
11 unless the fact of that injury is charged in the accusatory pleading  
12 and admitted or found to be true by the trier of fact.

13 (b) *Any person who is in a relationship with the victim as*  
14 *defended in subdivision (b) of Section 13700, subdivision (b),*  
15 *during the commission of a felony or attempted felony, knows or*  
16 *reasonably should know that the victim is pregnant, and who,*  
17 *personally inflicts injury upon a pregnant woman shall be*  
18 *punished by an additional and consecutive term of imprisonment*  
19 *in the state prison for five years. The additional term provided in*  
20 *this subdivision shall not be imposed unless the fact of that injury*  
21 *is charged in the accusatory pleading and admitted or found to*  
22 *be true by the trier of fact.*

23 (c) Nothing in this section shall be construed as affecting the  
24 applicability of subdivision (a) of Section 187.

25 SEC. 2. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the  
30 penalty for a crime or infraction, within the meaning of Section  
31 17556 of the Government Code, or changes the definition of a  
32 crime within the meaning of Section 6 of Article XIII B of the  
33 California Constitution.

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