

AMENDED IN ASSEMBLY MARCH 28, 2006
AMENDED IN ASSEMBLY MARCH 15, 2006
AMENDED IN ASSEMBLY FEBRUARY 22, 2006
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1872

Introduced by Assembly Member Cohn
(Coauthors: Assembly Members Negrete McLeod and Spitzer)

January 18, 2006

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1872, as amended, 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 5 years.

This bill would provide, instead, that any person, during the commission of a felony or attempted felony, knows or reasonably should know that the victim is pregnant, ~~and who, personally inflicts great bodily injury upon a pregnant woman~~ *and without the consent of the woman, personally inflicts great bodily injury upon a pregnant woman or inflicts injury upon a pregnant woman that results in the termination of the pregnancy* is subject to an enhancement of 5 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 *without the consent of the woman*
6 personally inflicts great bodily injury upon a pregnant woman *or*
7 *inflicts injury upon a pregnant woman that results in the*
8 *termination of the pregnancy* shall be punished by an additional
9 and consecutive term of imprisonment in the state prison for five
10 years. The additional term provided in this subdivision shall not
11 be imposed unless the fact of that injury is charged in the
12 accusatory pleading and admitted or found to be true by the trier
13 of fact.

14 (b) Nothing in this section shall be construed as affecting the
15 applicability of subdivision (a) of Section 187.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the
21 penalty for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition of a
23 crime within the meaning of Section 6 of Article XIII B of the
24 California Constitution.

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