

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 90A - PROTECTION OF UNBORN CHILDREN

§ 1841. Protection of unborn children

- (a) (1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.
- (2) (A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.
- (B) An offense under this section does not require proof that—
- (i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or
- (ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.
- (C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.
- (D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.
- (b) The provisions referred to in subsection (a) are the following:
- (1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844 (d), (f), (h)(1), and (i), 924 (j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153 (a), 1201 (a), 1203, 1365 (a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241 (a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.
- (2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848 (e)).
- (3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).
- (c) Nothing in this section shall be construed to permit the prosecution—
- (1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;
- (2) of any person for any medical treatment of the pregnant woman or her unborn child; or
- (3) of any woman with respect to her unborn child.
- (d) As used in this section, the term “unborn child” means a child in utero, and the term “child in utero” or “child, who is in utero” means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

(Added Pub. L. 108–212, § 2(a), Apr. 1, 2004, 118 Stat. 568.)

References in Text

Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283), referred to in subsec. (b)(3), probably means section 235 of the Atomic Energy Act of 1954, act Aug. 1, 1946, ch. 724, title I, as added by Pub. L. 96–295, title II, § 202(a), June 30, 1980, 94 Stat. 786, which is classified to section 2283 of Title 42, The Public Health and Welfare. Section 202 of the Atomic Energy Act of 1954, which related to the authority of the Joint Committee on Atomic Energy, was classified to section 2252 of Title 42 and was repealed by act of Aug. 1, 1946, ch. 724, title I, § 302(a), as added Aug.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

30, 1954, ch. 1073, § 1, as added Sept. 20, 1977, Pub. L. 95–110, § 1, 91 Stat. 884; renumbered title I, Oct. 24, 1992, Pub. L. 102–486, title IX, § 902(a)(8), 106 Stat. 2944.

Short Title of 2004 Amendment

Pub. L. 108–212, § 1, Apr. 1, 2004, 118 Stat. 568, provided that: “This Act [enacting this chapter and section 919a of Title 10, Armed Forces] may be cited as the ‘Unborn Victims of Violence Act of 2004’ or ‘Laci and Conner’s Law’.”