

**AMENDMENT TO H.R. 2436, AS REPORTED
OFFERED BY MR. CANADY OF FLORIDA**

In section 1841 of title 18, United States Code, as proposed to be added by section 2(a)—

(1) in subsection (a)(2)(C), insert “, instead of being punished under subparagraph (A),” after “shall”; and

(2) in subsection (c)(1)—

(A) insert “, or a person authorized by law to act on her behalf,” after “woman”; and

(B) strike “in a medical emergency”.

Strike section 3 and insert the following:

1 SEC. 3. MILITARY JUSTICE SYSTEM.

2 (a) PROTECTION OF UNBORN CHILDREN.—Sub-
3 chapter X of chapter 47 of title 10, United States Code
4 (the Uniform Code of Military Justice), is amended by in-
5 serting after section 919 (article 119) the following new
6 section:

7 “§ 919a. Art. 119a. Protection of unborn children

8 “(a)(1) Any person subject to this chapter who en-
9 gages in conduct that violates any of the provisions of law
10 listed in subsection (b) and thereby causes the death of,
11 or bodily injury (as defined in section 1365 of title 18)

1 to, a child, who is in utero at the time the conduct takes
2 place, is guilty of a separate offense under this section.

3 “(2)(A) Except as otherwise provided in this para-
4 graph, the punishment for that separate offense is the
5 same as the punishment provided under this chapter for
6 that conduct had that injury or death occurred to the un-
7 born child’s mother.

8 “(B) An offense under this section does not require
9 proof that—

10 “(i) the person engaging in the conduct had
11 knowledge or should have had knowledge that the
12 victim of the underlying offense was pregnant; or

13 “(ii) the accused intended to cause the death of,
14 or bodily injury to, the unborn child.

15 “(C) If the person engaging in the conduct thereby
16 intentionally kills or attempts to kill the unborn child, that
17 person shall, instead of being punished under subpara-
18 graph (A), be punished as provided under sections 880,
19 918, and 919(a) of this title (articles 80, 118, and 119(a))
20 for intentionally killing or attempting to kill a human
21 being.

22 “(D) Notwithstanding any other provision of law, the
23 death penalty shall not be imposed for an offense under
24 this section.

1 “(b) The provisions referred to in subsection (a) are
2 sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926,
3 and 928 of this title (articles 118, 119(a), 119(b)(2),
4 120(a), 122, 124, 126, and 128).

5 “(c) Nothing in this section shall be construed to per-
6 mit the prosecution—

7 “(1) of any person for conduct relating to an
8 abortion for which the consent of the pregnant
9 woman, or a person authorized by law to act on her
10 behalf, has been obtained or for which such consent
11 is implied by law;

12 “(2) of any person for any medical treatment of
13 the pregnant woman or her unborn child; or

14 “(3) of any woman with respect to her unborn
15 child.

16 “(d) In this section, the term ‘unborn child’ means
17 a child in utero, and the term ‘child in utero’ or ‘child,
18 who is in utero’ means a member of the species homo sapi-
19 ens, at any stage of development, who is carried in the
20 womb.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such subchapter is amended by insert-
23 ing after the item relating to section 919 the following
24 new item:

“919a. 119a. Protection of unborn children.”.