



New South Wales

Crimes Amendment (Zoe's Law) Bill 2013 (No 2)

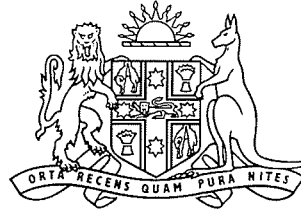
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This public bill which originated in the Legislative Assembly, has passed and is now ready for presentation to the Legislative Council for its concurrence.

*Clerk of the Legislative Assembly,
Legislative Assembly,
Sydney,*

, 2013



New South Wales

Crimes Amendment (Zoe's Law) Bill 2013 (No 2)

Act No , 2013

A Bill for

An Act to amend the *Crimes Act 1900* in relation to the destruction of or harm to the foetus of a pregnant woman.

EXAMINED

Assistant Speaker

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Crimes Amendment (Zoe's Law) Act 2013*.

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2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

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Schedule 1	Amendment of Crimes Act 1900 No 40	1
[1] Section 4 Definitions		2
Omit paragraph (a) of the definition of <i>Grievous bodily harm</i> in section 4 (1). Insert instead:		3
(a) for the purposes of section 8A—any destruction of the foetus of a pregnant woman that is taken to be grievous bodily harm by the operation of section 8A (2) or (3), and		4 5 6
[2] Section 8A		7
Insert after section 8:		8
8A Offences in relation to the destruction of or harm to the foetus of a pregnant woman		9 10
(1) In this section:		11
<i>applicable offence</i> means an offence against section 33 (1), 33A (1), 35, 46, 51A, 52A (3) or (4), 52B (3) or (4), 54, 95 or 110.		12 13
<i>unborn child</i> means the foetus of a pregnant woman that:		14
(a) is of at least 20 weeks' gestation, or		15
(b) if it cannot be reliably established whether the period of gestation is more or less than 20 weeks, has a body mass of at least 400 grams.		16 17
(2) For the purposes of an applicable offence:		18
(a) an unborn child is taken to be a living person despite any rule of law to the contrary, and		19 20
(b) grievous bodily harm to an unborn child is taken to include the destruction of the unborn child.		21 22
(3) For the purposes of an applicable offence, the destruction of the foetus of a pregnant woman (not being an unborn child) is taken to be grievous bodily harm to the woman, whether or not the woman suffers any other harm.		23 24 25
(4) This section does not apply to or in relation to:		26
(a) anything done in the course of a medical procedure or medical treatment, or		27 28
(b) anything done by, or with the consent of, the pregnant woman concerned.		29 30
(5) For the avoidance of doubt, nothing in this section creates a criminal offence in respect of an unborn child in circumstances which, prior to the commencement of the <i>Crimes Amendment (Zoe's Law) Act 2013</i> , did not constitute a criminal offence in respect of the mother of that unborn child.		31 32 33 34
(6) Nothing in this section is intended to create any difference between:		35
(a) the nature or total of any imprisonment or other penalties which a court in all the circumstances chooses to impose for:		36 37
(i) an applicable offence in respect of an unborn child, and		38
(ii) any applicable offence arising out of the same or related circumstances in respect of the mother of the unborn child, and		39 40

- (b) the nature or total of any imprisonment or other penalties which a court in all the circumstances would, prior to the commencement of the *Crimes Amendment (Zoe's Law) Act 2013*, have chosen to impose for the applicable offence in respect of the mother of the unborn child. 1
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