

507A.020 Fetal homicide in the first degree.

- (1) A person is guilty of fetal homicide in the first degree when:
 - (a) With intent to cause the death of an unborn child or with the intent necessary to commit an offense under KRS 507.020(1)(a), he causes the death of an unborn child; except that in any prosecution, a person shall not be guilty under this subsection if he acted under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be. However, nothing contained in this section shall constitute a defense to a prosecution for or preclude a conviction of fetal homicide in the second degree or any other crime; or
 - (b) Including but not limited to the operation of a motor vehicle under circumstances manifesting extreme indifference to human life, he wantonly engages in conduct which creates a grave risk of death to an unborn child and thereby causes the death of an unborn child.
- (2) Fetal homicide in the first degree is a capital offense.

Effective: February 20, 2004

History: Created 2004 Ky. Acts ch. 1, sec. 2, effective February 20, 2004.