

ACLU of Michigan

House Bill 4500 – Oppose

House Judiciary Committee

September 12, 2017

House Bill 4500 would require that an embryo or fetus be counted as a victim when determining an appropriate criminal sentence for a person convicted of certain crimes, notably crimes in which a person is placed in danger of physical injury, loss of life, or property. The ACLU of Michigan opposes this enshrinement of embryonic and fetal rights into law.

When embryonic and fetal rights are codified, those laws that are meant to protect women can be, and are, used against them. As state legislatures across the country have increasingly passed laws protecting the rights of fetuses and embryos, the trend of criminalizing pregnant women has also increased. For example:

- Purvi Patel is a woman from Indiana who was sentenced to serve 20 years in prison on charges of feticide, although she consistently maintained that she had a miscarriage; there was no trace of abortifacients found in her blood, and that there is no proof that a live birth occurred. Her conviction was eventually overturned in 2016 but not before she served two years in jail.
- Bei Bei Shuai, a Chinese immigrant living in Indiana, was charged in 2011 with feticide after she tried to commit suicide while eight months pregnant. In 2013, Shuai pled guilty to a lesser charge, but she had already spent over a year in jail.

These cases demonstrate the slippery slope created when fetal and embryonic rights are enshrined into law. While HB 4500 applies only to sentencing and does not establish a new crime, the bill could allow Michigan courts to treat a woman convicted of a wide range of crimes more harshly if she was pregnant at the time, regardless of whether she knew it or not.

Furthermore, this bill is another attempt to chip away at a woman's constitutionally protected right to have an abortion and could potentially have far reaching consequences down the road.

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