



## new york state **RIGHT TO LIFE COMMITTEE, INC.**

COMMITTEE

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### Memo in Support of the “Unborn Victims of Violence Act” (S2669 Ritchie/A5729 Cusick)

New York State Right to Life strongly supports the “Unborn Victims of Violence Act” (S2669 Ritchie/A5729 Cusick). When a pregnant woman is assaulted and her unborn baby dies, she suffers a unique loss, the loss of her child, a separate person. The so-called “Reproductive Health Act” (RHA) eliminated certain protections regarding this unique loss, and New York State Right to Life strongly believes that it is necessary that pregnant women in New York who suffer the loss of their unborn child due to an assault enjoy the dignity of having the loss of their unborn child be recognized as fully and completely as possible by the law.

- The “Unborn Victims of Violence Act” is specifically needed in New York because of the unwelcome legal changes brought by the RHA. The RHA eliminated previous protections against a pregnant woman who wants to keep her baby, but whose baby dies from an assault against the pregnant woman. Currently, 30 states, including the fairly progressive states of Illinois and Minnesota, fully recognize an unborn child as a victim of an assault on a pregnant woman that takes the life of the unborn child. That means that New York is in the minority of states that do not recognize this obvious reality. New York should follow the lead of Illinois and Minnesota and recognize that when a pregnant woman is assaulted and her unborn child dies, there are two victims.
- Many of us are now familiar with Livia Abreu, a woman whose ex-boyfriend stabbed her multiple times when she was 26-weeks pregnant. Fortunately, Abreu lived. Unfortunately, her unborn child did not. Abreu and other New York women in her position deserve justice when such a heinous crime is committed. They deserve for their suffering to be fully appreciated and for the humanity of their unborn children to be fully recognized. The only way that New York can satisfy this self-evident demand of justice and of compassion is to pass the “Unborn Victims of Violence Act.”
- New York State Right to Life specifically appreciates that this bill recognizes that when a pregnant woman is assaulted and her unborn child dies, there are two victims, not just one. This bill states “‘Person,’ when referring to the victim of a homicide, means a human being who has been born and is alive or an unborn child at any stage of gestation.” Pro-abortion radicals sometimes object to legislation that recognizes this reality, claiming that such legislation will somehow be used to outlaw abortion. However, no such objection was made when the U. S. House passed the “Innocent Child Protection Act” which stated that neither the federal government, nor any state government, could “carry out a sentence of death on a woman while she carries a child in utero.” The “Unborn Victims of Violence Act” is completely right when it states, “Indeed, mothers will bury their baby’s body and mark the grave for their child for the rest of their lives, but New York law tells them their loved one never existed.” The New York State Legislature should not bow to the inane fears of pro-abortion ideologues. Rather, it should do what is right for New York women.

Right now, there is a glaring injustice in New York law. A pregnant woman who is assaulted in New York and suffers the loss of her unborn child is assaulted again, not by some criminal, but by the law that is supposed to protect her. She is assaulted by being told by current New York law that her deceased unborn child never lived. This is a profound miscarriage of justice. New York State legislators now have the opportunity to fix this by passing the “Unborn Victims of Violence Act.”