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Testimony
In Support of

LD 1930 An Act Regarding Acts of Violence Committed Against a Pregnant Woman

Senator Carney, Representative Kuhn, and the members of the Judiciary Committee. My name is Reagan Paul and I am proud to represent House District 37. Thank you for allowing me to present my bill LD 1930, “**An Act Regarding Acts of Violence Committed Against a Pregnant Woman**”, which amends the Maine Criminal Code to recognize an unborn child as a "person" or "human being" for provisions governing murder, manslaughter, and assault. This legislation is critical to deliver justice for women, their families, and the most vulnerable—unborn children—by ensuring accountability for those who cause harm and providing equal protection under the law. Maine’s laws cannot focus solely on enabling women to end the lives of their unborn children; they must also protect women whose unborn children’s lives are taken from them through violence. These mothers deserve a just legal remedy that acknowledges their profound loss. Maine’s criminal law treats victims inconsistently, often failing to recognize the full scope of harm in cases involving unborn children, and this bill corrects that injustice.

This bill closes a glaring gap in Maine’s criminal law by protecting unborn children at every stage of gestation, from conception to birth. By defining an unborn child as a "person" under sections 201 to 203 and 207 to 208-F, it holds perpetrators accountable for harming both a pregnant woman and her unborn child. When violence causes the loss of an unborn child, the mother’s suffering is compounded, and families deserve justice that reflects the full scope of their loss.

A 2020 National Institute of Health study shows homicide is a leading cause of death for pregnant women, with rates significantly higher than for non-pregnant women (Wallace et al., 2020). Critically, 54.5% of these perpetrators are current or former intimate partners, highlighting the prevalence of domestic violence in such cases. When an unborn child is killed in such acts, families face devastating grief without adequate legal remedies. This bill corrects that by recognizing the unborn child as a victim, enabling prosecutors to pursue just charges and, where sufficient evidence exists, to prosecute at a higher level to reflect the severity of the crime.

Consider the horrific case of Heather Sargent, an eight-month-pregnant Maine woman brutally murdered in 2003. She was stabbed 50 times, with many wounds targeting her stomach, where her unborn child was growing. Her attacker’s blade tore through her flesh, ending her life and that of her son named Jonah, who was

District 37 Frankfort, Prospect, Searsport, Stockton Springs, Winterport

just weeks from being born. Her family lost not only Heather but also Jonah, a double tragedy left unaddressed by Maine's laws at the time. Her husband was convicted only for her murder, with no legal accountability for the death of her unborn child. This glaring injustice underscores the urgent need for this bill to ensure such losses are fully recognized.

Imagine a pregnant woman, nine months along, eagerly awaiting her baby's birth. Her abusive partner, in a fit of rage, shoves her down a flight of stairs. She tumbles, clutching her belly, but lands hard. At the hospital, doctors deliver heartbreaking news: her baby, fully formed and ready for life, has died from the trauma. Her physical wounds heal, but the loss of her child leaves an indelible scar. Under current Maine law, her abuser might face assault charges for harming her, but the death of her baby could go unpunished, a gross miscarriage of justice. This bill ensures such a perpetrator faces charges for the unborn child's death, reflecting the true weight of the crime.

If Maine's laws can be changed based on one woman's experience, as they were in 2023 for Dana Peirce, who sought an abortion at eight months due to a fatal fetal diagnosis—a diagnosis often proven wrong—then one case, like Heather Sargent's, is surely enough to rewrite Maine's criminal law to provide justice for mothers who lose their babies to violence. Maine's inconsistent treatment of victims—allowing some losses to be recognized while ignoring others, like unborn children—undermines equal protection and erodes trust in our justice system.

As of 2023, 38 states have fetal homicide laws recognizing unborn children as victims of violent crimes, per the National Conference of State Legislatures (NCSL, 2023). California's Penal Code Section 187, for example, includes a fetus in its murder statute, with exemptions like those in this bill. These laws are constitutional, effective, and a proven model for Maine.

A 2021 Gallup poll found 71% of Americans support protecting unborn children in cases of violence against pregnant women (Gallup, 2021). This widespread support shows a shared belief in justice for victims, regardless of differing views on other issues.

The bill's definitions—"conception," "gestation," and "unborn child"—are scientifically precise. The American College of Obstetricians and Gynecologists defines conception as the fusion of sperm and ovum (ACOG, 2022), matching the bill's language. This ensures the law is applied clearly and fairly.

Some may claim this bill overreaches, but its exemptions limit it strictly to criminal acts by third parties, like assault or domestic violence, that harm a mother and her unborn child.

Penalties: Class A vs. Proposed Bill

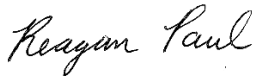
In Maine, a Class A crime, such as murder or felony murder, carries a maximum penalty of up to 30 years in prison and a fine of up to \$50,000 (Maine Revised Statutes, Title 17-A, §1604). This bill proposes that crimes against an unborn child—murder, felony murder, manslaughter, assault, aggravated assault, and elevated aggravated assault—carry penalties consistent with those for the same crimes against born persons. For example, murder of an unborn child would face the same sentence as murder under current law (up to 30 years), and manslaughter of an unborn child would align with manslaughter penalties (also up to 30 years for Class A). This ensures equitable justice, treating the loss of an unborn child with the same gravity as the loss of a born person, unlike the current system where no specific penalty exists for such acts unless the mother is also harmed.

This bill is a straightforward, just measure to protect pregnant women and their unborn children from violence. By recognizing unborn children as persons under specific criminal statutes, Maine can ensure accountability,

support grieving families, and deter future crimes. It delivers justice for women, their families, and the most vulnerable, ensuring equal protection under the law.

This bill is a moral and legal necessity because it ensures justice for women like Heather Sargent, whose unborn children were stolen by brutal violence, and for families denied equal protection under Maine's inconsistent laws. It demands accountability for perpetrators—especially the 54.5% who are intimate partners—by empowering prosecutors to pursue higher charges for crimes against unborn children, matching penalties for born victims. It corrects the injustice of cases like Heather Sargent's, where her baby's death went unpunished, and aligns Maine with 38 states, like California, that honor all victims. Pass this bill to close the gap, deliver justice, and declare that every life lost to violence matters.

Thank you for your consideration.



Reagan Paul
State Representative

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