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TO: HOUSE COMMITTEE ON JUDICIARY

FROM: PAMELA LICHTY, MPH

LATE TESTIMONY

HEARING DATE & TIME: MARCH 13, 2008, ROOM 325, 3:13 p.m.

RE: SB 2301, SD 1 RELATING TO CRITERIA FOR EXTENDED TERMS OF IMPRISONMENT – **IN OPPOSITION**

SB 2301, SD 1 appears to be an innocuous or even helpful bill on its face. I want to acknowledge that the motivation for this bill is to assist pregnant women who are assaulted, and that this is indeed a heinous crime. However, the implications of this measure are far reaching and in my view potentially damaging to women.

The committee report from the Senate Judiciary and Labor Committee explains that, as written, this bill “closes a judicially created loophole under which no criminal liability would attach to an offender for offenses committed against *an unborn child* [my italics].

On the contrary, this language would open a very large loophole leading the way for a fetus, the correct medical term, to be regarded as a person under Hawai`i law. This makes this measure far from innocuous and in fact could set the stage to further undermining a woman’s right to make decisions about her own reproductive health and options.

I urge the committee to hold this bill. Thank you for the opportunity to testify.