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May 30, 2013

Hon. Bob Goodlatte, Chairman,
Committee on the Judiciary
Congress of the United States
House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515-6216

Dear Chairman Goodlatte:

I am writing in response to your letter of May 7, 2013, requesting certain information concerning laws governing crimes against newborn infants. Your questions, with our replies, follow.

1. Do prosecutors in your state treat the deliberate killing of newborns, including those newborns who were delivered alive in the process of abortions, as a criminal offense? If so, have there been any prosecutions in your state for this crime? If the answer to the previous question is yes, please provide a log of cases, excluding any personally identifying information.

This Office is not aware of any prosecutions in the state for homicide committed against newborns, whether delivered alive in the process of abortions, or otherwise. I am certain that Vermont prosecutors would treat the deliberate killing of a newborn as a criminal offense.

2. Has the legislature in your state enacted laws, in addition to general laws against homicide or requiring ordinary medical treatment, specifically to protect newborns delivered alive in the process of abortions? If so, how, if at all, have these laws changed prosecutorial practices?

The Vermont Legislature has not enacted laws in addition to general laws against homicide or requiring ordinary medical treatment, specifically to protect newborns delivered alive in the process of abortions.

3. Does your state have different statutes of limitations for culpability in the death of an infant and culpability in the death of human beings in later stages of development? If so, what is the understood rationale for that difference?

Our laws do not distinguish between the death of an infant and culpability in the death of human beings in later stages of development for purposes of the statute of limitations.

4. Have you or your predecessors prosecuted any criminal cases in which a woman has died or suffered serious complications as a result of an abortion? If so, please provide a log of such cases, excluding any personally identifying information.

This Office is not aware of any criminal prosecutions in this State in which a woman has died or suffered serious complications as a result of an abortion.

5. This Gosnell case has also raised concerns about the effectiveness of state laws that limit, or purport to limit, abortions late in pregnancy. If your state has such a limit, have abortions performed after the statutory limit been prosecuted in your state? If so, please provide a log of such cases, excluding any personally identifying information. If not, are there legal considerations that have prevented such prosecutions from proceeding?

Vermont does not have any law that limits or purports to limit abortions late in pregnancy.

Please advise if you have any further questions or if I can be of any further assistance.

Sincerely yours,



for

Cindy Maguire
Chief, Criminal Division