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ROSEANN JUARIGUE

IN THE JUSTICE COURT OF SAN BENITO COUNTY JUDICIAL DISTRICT
COUNTY OF SAN BENITO, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

ROSEANN MERCEDES JAUREQUI,

Defendant.

Cr. No. 23611

DECLARATION OF W. CRAIG BIDDLE

1. In June 1970 I was a member of the Assembly of the California Legislature and was the primary author of the amendments to Penal Code Section 187 creating

1 the crime of fetal murder. The impetus for those amendments was the California
2 Supreme Court's decision in Keeler v. Superior Court, 2 Cal. 3d 619 (1970). In
3 Keeler, the Court overturned the murder conviction of a man who brutally assaulted
4 his estranged pregnant wife in order to destroy the fetus she was carrying. Although
5 the woman survived the attack, the fetus did not. The Court overturned Keeler's
6 murder conviction on the ground that a fetus is not a human being within the
7 meaning of the California murder statute, Penal Code Section 187.

8
9 2. Shortly after the Supreme Court issued its opinion in Keeler, I introduced
10 legislation in the Assembly to amend Penal Code Section 187 so that Keeler's acts
11 would be punishable as murder. That legislation was introduced in the form of an
12 amendment to a pending bill, AB 816.

13 3. During the legislative process, AB 816 was amended in a number of
14 respects. These amendments included provisions to exempt from the bill's
15 application any abortion performed pursuant to the State's Therapeutic Abortion Act
16 (Health and Safety Code §25950, et seq.), any abortion performed by a physician or
17 surgeon where the life of the mother was at risk, and any act resulting in the death of
18 the fetus where that act was solicited, aided, abetted, or consented to by the mother
19 of the fetus. As explained when these amendments were presented, this latter
20 exception would include illegal abortions obtained by a pregnant woman. While such
21 illegal abortions would, at the time, still be punishable under the state's consensual
22 abortion law (Penal Code § 275), they would not be punishable as murder.

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25 4. I agreed to all of the amendments to the bill because none of them
26 undermined the purpose of my legislation as that purpose was explained to the
27 Legislature: to make punishable as murder a third party's willful assault on a
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pregnant woman resulting in the death of her fetus. That was the sole intent of AB 816. No legislator ever suggested that this legislation, as it was finally adopted, could be used to make punishable as murder conduct by a pregnant woman that resulted in the death of her fetus.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed in Sacramento, California on April 23, 1992.

W. Craig Biddle
W. Craig Biddle

jaurign\biddle.doc

