SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL- Title 18, United States Code, is amended by inserting after chapter 90 the following:

`(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.
`(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.
`(B) An offense under this section does not require proof that--
    `(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or
    `(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.
`(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.
`(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

`(c) Nothing in this section shall be construed to permit the prosecution--
    `(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;
    `(2) of any person for any medical treatment of the pregnant woman or her unborn child; or
    `(3) of any woman with respect to her unborn child.
`(d) As used in this section, the term `unborn child' means a child in utero, and the term `child in utero' or `child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.'.