

House Amendment 5073

Amendment Text

PAG LIN

1 1 Amend [House File 2109](#) as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 "Section 1. Section [707.7](#), unnumbered paragraphs
1 5 1, 2, and 4, Code 1995, are amended to read as
1 6 follows:
1 7 Any person who intentionally terminates a human
1 8 pregnancy, with the knowledge and voluntary consent of
1 9 the pregnant person, after the end of the second
1 10 trimester of the pregnancy where death of the fetus
1 11 results commits feticide. Feticide is a class "C"
1 12 felony.
1 13 Any person who attempts to intentionally terminate
1 14 a human pregnancy, with the knowledge and voluntary
1 15 consent of the pregnant person, after the end of the
1 16 second trimester of the pregnancy where death of the
1 17 fetus does not result commits attempted feticide.
1 18 Attempted feticide is a class "D" felony.
1 19 Any person who terminates a human pregnancy, with
1 20 the knowledge and voluntary consent of the pregnant
1 21 person, who is not a person licensed to practice
1 22 medicine and surgery under the provisions of chapter
1 23 148, or an osteopathic physician and surgeon licensed
1 24 to practice osteopathic medicine and surgery under the
1 25 provisions of chapter 150A, commits a class "C"
1 26 felony.
1 27 Sec. 2. Section [707.8](#), Code 1995, is amended to
1 28 read as follows:
1 29 707.8 NONCONSENSUAL TERMINATION - SERIOUS INJURY
1 30 TO A HUMAN PREGNANCY.
1 31 1. A person who terminates a human pregnancy
1 32 without the consent of the pregnant person during the
1 33 commission of a forcible felony is guilty of a class
1 34 "B" felony.
1 35

~~1.~~

- 2. A person who terminates a human pregnancy
1 36 without the consent of the pregnant person during the
1 37 commission of a felony or felonious assault is guilty
1 38 of a class

~~"B"~~

- "C" felony.
1 39

~~2.~~

- 3. A person who intentionally terminates a
1 40 human pregnancy without the knowledge and voluntary
1 41 consent of the pregnant person is guilty of a class
1 42 "C" felony.

~~This subsection shall not apply to a~~

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1 43

~~termination performed without the consent or knowledge~~

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~~of the pregnant person by a physician licensed in this~~

1 45

~~state to practice medicine and surgery when~~

1 46

~~circumstances preclude the pregnant person from~~

1 47

~~providing consent and the termination is performed to~~

1 48

~~preserve the life or health of the pregnant person or~~

1 49

~~of the fetus.~~

1 50 4. A person who unintentionally terminates a human
2 1 pregnancy by any of the means provided pursuant to
2 2 section 707.6A, subsection 1, is guilty of a class "C"
2 3 felony.
2 4

~~3.~~

5. A person who by force or intimidation
2 5 procures the consent of the pregnant person to a
2 6 termination of a human pregnancy is guilty of a class
2 7 "C" felony.

2 8 6. A person who unintentionally terminates a human
2 9 pregnancy while drag racing in violation of section
2 10 321.278 is guilty of a class "D" felony.

2 11 7. A person who unintentionally terminates a human
2 12 pregnancy without the knowledge and voluntary consent
2 13 of the pregnant person by the commission of an act in
2 14 a manner likely to cause the termination of or serious
2 15 injury to a human pregnancy is guilty of an aggravated
2 16 misdemeanor.

2 17 8. A person commits an aggravated misdemeanor when
2 18 the person intentionally causes serious injury to a
2 19 human pregnancy by the commission of an act in a
2 20 manner likely to cause the termination of or serious
2 21 injury to a human pregnancy.

2 22 9. A person commits an aggravated misdemeanor when
2 23 the person unintentionally causes serious injury to a
2 24 human pregnancy by any of the means described in
2 25 section 707.6A, subsection 1.

2 26 10. A person commits a serious misdemeanor when
2 27 the person unintentionally causes serious injury to a
2 28 human pregnancy by the commission of an act in a
2 29 manner likely to cause the termination of or serious
2 30 injury to the human pregnancy.

2 31 11. For the purposes of this section "serious
2 32 injury to a human pregnancy" means, relative to the
2 33 human pregnancy, disabling mental illness, or bodily
2 34 injury which creates a substantial risk of death or
2 35 which causes serious permanent disfigurement, or
2 36 protracted loss or impairment of the function of any
2 37 bodily member or organ, and includes but is not
2 38 limited to skull fractures, rib fractures, and

2 39 metaphyseal fractures of the long bones.
2 40 12. As used in this section, actions which cause
2 41 the termination of or serious injury to a pregnancy do
2 42 not apply to any of the following:
2 43 a. An act or omission of the pregnant person.
2 44 b. A termination of or a serious injury to a
2 45 pregnancy which is caused by the performance of an
2 46 approved medical procedure performed by a person
2 47 licensed in this state to practice medicine and
2 48 surgery or osteopathic medicine and surgery,
2 49 irrespective of the duration of the pregnancy and with
2 50 or without the voluntary consent of the pregnant
3 1 person when circumstances preclude the pregnant person
3 2 from providing consent.
3 3 c. An act committed in self-defense or in defense
3 4 of another person or any other act committed if
3 5 legally justified or excused."

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3 8 _____
3 9 COMMITTEE ON [JUDICIARY](#)
3 10 HURLEY of Fayette, Chairperson
3 11 [HF 2109](#).201 76
3 12 pf/jj