

Senate File 523

S-3077

1 Amend Senate File 523 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 Section 1. Section 707.8, Code 2019, is amended to read as  
5 follows:

6 **707.8 Nonconsensual termination cause of death — serious  
7 injury to a ~~human pregnancy~~ an unborn person.**

8 1. A person who ~~terminates a human pregnancy~~ causes the  
9 death of an unborn person without the consent of the pregnant  
10 person during the commission of a forcible felony is guilty of  
11 a class "B" "A" felony.

12 2. A person who ~~terminates a human pregnancy~~ causes the  
13 death of an unborn person without the consent of the pregnant  
14 person during the commission of a felony or felonious assault  
15 is guilty of a class "C" "A" felony.

16 3. A person who intentionally ~~terminates a human pregnancy~~  
17 causes the death of an unborn person without the knowledge and  
18 voluntary consent of the pregnant person is guilty of a class  
19 "C" "B" felony.

20 4. A person who unintentionally ~~terminates a human~~  
21 ~~pregnancy~~ causes the death of an unborn person by any of the  
22 means provided pursuant to [section 707.6A, subsection 1](#), is  
23 guilty of a class "C" "B" felony.

24 5. A person who by force or intimidation procures the  
25 consent of the pregnant person to a ~~termination of a human~~  
26 ~~pregnancy~~ causes the death of an unborn person is guilty of a  
27 class "C" felony.

28 6. A person who unintentionally ~~terminates a human~~  
29 ~~pregnancy~~ causes the death of an unborn person while drag  
30 racing in violation of [section 321.278](#) is guilty of a class "D"  
31 felony.

32 7. A person who unintentionally ~~terminates a human~~  
33 ~~pregnancy~~ causes the death of an unborn person without the  
34 knowledge and voluntary consent of the pregnant person by  
35 the commission of an act in a manner likely to cause the

1 ~~termination death~~ of or serious injury to a ~~human pregnancy~~ an  
2 unborn person is guilty of an aggravated misdemeanor.

3 8. A person commits an aggravated misdemeanor when the  
4 person intentionally causes serious injury to a ~~human pregnancy~~  
5 an unborn person by the commission of an act in a manner likely  
6 to cause the ~~termination death~~ of or serious injury to a ~~human~~  
7 pregnancy an unborn person.

8 9. A person commits an aggravated misdemeanor when the  
9 person unintentionally causes serious injury to a ~~human~~  
10 pregnancy an unborn person by any of the means described in  
11 section 707.6A, subsection 1.

12 10. A person commits a serious misdemeanor when the person  
13 unintentionally causes serious injury to a ~~human pregnancy~~ an  
14 unborn person by the commission of an act in a manner likely to  
15 cause the ~~termination death~~ of or serious injury to the ~~human~~  
16 pregnancy unborn person.

17 11. For the purposes of [this section](#) "*serious injury to a*  
18 *human pregnancy*" an unborn person" means, relative to the ~~human~~  
19 pregnancy unborn person, disabling mental illness, or bodily  
20 injury which creates a substantial risk of death or which  
21 causes serious permanent disfigurement, or protracted loss or  
22 impairment of the function of any bodily member or organ, and  
23 includes but is not limited to skull fractures, rib fractures,  
24 and metaphyseal fractures of the long bones.

25 12. As used in [this section](#), actions which cause the  
26 ~~termination death~~ of or serious injury to a ~~pregnancy~~ an unborn  
27 person do not apply to any of the following:

28 a. An act or omission of the pregnant person.

29 b. A ~~termination death~~ of or a serious injury to a ~~pregnancy~~  
30 an unborn person which is caused by the performance of an  
31 approved medical procedure performed by a person licensed in  
32 this state to practice medicine and surgery or osteopathic  
33 medicine and surgery, irrespective of the duration of the  
34 pregnancy and with or without the voluntary consent of the  
35 pregnant person when circumstances preclude the pregnant person

1 from providing consent.

2     *c.* An act committed in self-defense or in defense of another  
3 person or any other act committed if legally justified or  
4 excused.

5     13. As used in this section, "*unborn person*" means  
6 an individual organism of the species homo sapiens from  
7 fertilization to live birth.

8     2. Title page, line 1, by striking <termination> and  
9 inserting <cause of death>

10     3. Title page, line 2, by striking <a human pregnancy> and  
11 inserting <an unborn person>

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JAKE CHAPMAN