

Senate File 2152 - Introduced

SENATE FILE 2152

BY CHELGREN

A BILL FOR

1 An Act relating to the determination of when fetal death and
2 homicide and related criminal provisions apply to a fetus,
3 and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 136A.2, subsection 8, Code 2016, is
2 amended to read as follows:

3 8. "*Stillbirth*" means an unintended fetal death ~~occurring~~
4 ~~after a gestation period of twenty completed weeks, or an~~
5 ~~unintended fetal death~~ of a fetus with a weight of three
6 hundred fifty or more grams.

7 Sec. 2. Section 144.29, unnumbered paragraph 1, Code 2016,
8 is amended to read as follows:

9 A fetal death certificate for each fetal death which occurs
10 in this state ~~after a gestation period of twenty completed~~
11 ~~weeks or greater, or for~~ of a fetus with a weight of three
12 hundred fifty grams or more shall be filed as directed by the
13 state registrar within three days after delivery and prior
14 to final disposition of the fetus. The certificate shall be
15 registered if it has been completed and filed in accordance
16 with [this chapter](#).

17 Sec. 3. Section 144.29A, subsection 7, paragraph c, Code
18 2016, is amended to read as follows:

19 c. "*Spontaneous termination of pregnancy*" means the
20 occurrence of an unintended termination of pregnancy at any
21 time during the period from conception to ~~twenty weeks~~ the
22 point in gestation when the fetus reaches a weight of three
23 hundred fifty grams and which is not a spontaneous termination
24 of pregnancy at any time ~~during the period from twenty weeks or~~
25 after the point in gestation when the fetus reaches a weight
26 greater than three hundred fifty grams which is reported to the
27 department as a fetal death under [this chapter](#).

28 Sec. 4. Section 707.1, Code 2016, is amended to read as
29 follows:

30 **707.1 Murder defined.**

31 1. A person who kills another person with malice
32 aforethought either express or implied commits murder.

33 2. "Person", when referring to the victim of a murder, means
34 an individual human being from the point of gestation when the
35 fetus reaches a weight of three hundred fifty grams or more

1 until natural death.

2 3. Murder does not include any of the following:

3 a. A "stillbirth" as defined in section 136A.2, a
4 "fetal death" as defined in section 144.1, or a "spontaneous
5 termination of pregnancy" as defined in section 144.29A.

6 b. A termination of a human pregnancy performed by a
7 physician licensed in this state to practice medicine or
8 surgery or osteopathic medicine or surgery when in the best
9 clinical judgment of the physician the termination is performed
10 to preserve the life or health of the pregnant person or of the
11 fetus and every reasonable medical effort not inconsistent with
12 preserving the life of the pregnant person is made to preserve
13 the life of a viable fetus.

14 Sec. 5. Section 707.7, subsections 1 and 2, Code 2016, are
15 amended to read as follows:

16 1. Any person who intentionally terminates a human
17 pregnancy, with the knowledge and voluntary consent of the
18 pregnant person, after the ~~end of the second trimester of the~~
19 pregnancy fetus reaches a weight of three hundred fifty grams
20 or more where death of the fetus results commits feticide.
21 Feticide is a class "C" felony.

22 2. Any person who attempts to intentionally terminate a
23 human pregnancy, with the knowledge and voluntary consent of
24 the pregnant person, after the ~~end of the second trimester of~~
25 the pregnancy fetus reaches a weight of three hundred fifty
26 grams or more where death of the fetus does not result commits
27 attempted feticide. Attempted feticide is a class "D" felony.

28 Sec. 6. Section 707.9, Code 2016, is amended to read as
29 follows:

30 **707.9 Murder of fetus aborted alive.**

31 A person who intentionally kills a ~~viable~~ fetus that has
32 reached a weight of three hundred fifty grams or more aborted
33 alive shall be guilty of a class "B" felony.

34 Sec. 7. Section 707.10, Code 2016, is amended to read as
35 follows:

1 feticide, nonconsensual termination of a human pregnancy,
2 murder of a fetus aborted alive, and violation of the duty to
3 preserve the life of a fetus, are applicable, respectively, to
4 the provisions of the bill.