

**Senate File 471 - Introduced**

SENATE FILE 471  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SF 53)

**A BILL FOR**

1 An Act relating to feticide, making penalties applicable, and  
2 including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 707.7, Code 2017, is amended to read as  
2 follows:

3 **707.7 Feticide.**

4 1. Any person who intentionally terminates a human  
5 pregnancy, with the knowledge and voluntary consent of the  
6 pregnant person, after the ~~end of the second trimester of the~~  
7 pregnancy reaches twenty weeks postfertilization, where death  
8 of the fetus results, commits feticide. Feticide is a class  
9 "C" felony.

10 2. Any person who attempts to intentionally terminate a  
11 human pregnancy, with the knowledge and voluntary consent of  
12 the pregnant person, after the ~~end of the second trimester of~~  
13 ~~the~~ pregnancy reaches twenty weeks postfertilization, where  
14 death of the fetus does not result, commits attempted feticide.  
15 Attempted feticide is a class "D" felony.

16 3. Any person who terminates a human pregnancy, with the  
17 knowledge and voluntary consent of the pregnant person, who  
18 is not a person licensed to practice medicine and surgery  
19 or osteopathic medicine and surgery under the provisions of  
20 chapter 148, commits a class "C" felony.

21 4. a. This section shall not apply to the termination of  
22 a human pregnancy performed by a physician licensed in this  
23 state to practice medicine or surgery or osteopathic medicine  
24 or surgery when in the best clinical judgment of the physician  
25 the termination is performed to preserve the life ~~or health~~ of  
26 the pregnant person or of the fetus or to avert a serious risk  
27 to the pregnant person of substantial and irreversible physical  
28 impairment of a major bodily function, and every reasonable  
29 medical effort not inconsistent with preserving the life of the  
30 pregnant person is made to preserve the life of a viable fetus.

31 b. This section shall not apply to the termination of  
32 a human pregnancy between twenty and twenty-four weeks  
33 postfertilization performed by a physician licensed in this  
34 state to practice medicine or surgery or osteopathic medicine  
35 or surgery, when in the best clinical judgment of the physician

1 the human pregnancy has a fetal anomaly incompatible with  
2 life. For the purposes of this paragraph "b", "fetal anomaly  
3 incompatible with life" means a fetal condition diagnosed in  
4 utero that, if the pregnancy results in a live birth, will with  
5 reasonable certainty result in the death of the child or will  
6 result in requiring the provision of life-sustaining procedures  
7 as defined in section 144A.2 to the child after the child's  
8 birth and for the duration of the child's life.

9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill relates to feticide.

15 Current law under Code section 707.7(1) provides that any  
16 person who intentionally terminates a human pregnancy, with the  
17 knowledge and voluntary consent of the pregnant person, after  
18 the end of the second trimester of the pregnancy where death of  
19 the fetus results commits feticide. Feticide is a class "C"  
20 felony. A class "C" felony is punishable by confinement for no  
21 more than 10 years and a fine of at least \$1,000 but not more  
22 than \$10,000. Under the bill, the time frame is changed from  
23 after the end of the second trimester of the pregnancy to after  
24 the pregnancy reaches twenty weeks postfertilization.

25 Similarly, current law under Code section 707.7(2) provides  
26 that any person who attempts to intentionally terminate a  
27 human pregnancy, with the knowledge and voluntary consent of  
28 the pregnant person, after the end of the second trimester of  
29 the pregnancy where death of the fetus does not result commits  
30 attempted feticide. Attempted feticide is a class "D" felony.  
31 A class "D" felony is punishable by confinement for no more  
32 than five years and a fine of at least \$750 but not more than  
33 \$7,500. Under the bill, the time frame is changed from after  
34 the end of the second trimester of the pregnancy to after the  
35 pregnancy reaches twenty weeks postferiltization.

1     Additionally, current law under Code section 707.7(4)  
2 provides that the Code section shall not apply to the  
3 termination of a human pregnancy performed by a physician when  
4 in the best clinical judgment of the physician the termination  
5 is performed to preserve the life or health of the pregnant  
6 person or of the fetus and every reasonable medical effort not  
7 inconsistent with preserving the life of the pregnant person  
8 is made to preserve the life of a viable fetus. Under the  
9 bill, the exceptions are changed to provide that the Code  
10 section shall not apply if the termination is performed to  
11 preserve the life of the pregnant person or of the fetus or to  
12 avert a serious risk to the pregnant person of substantial and  
13 irreversible physical impairment of a major bodily function.

14     Finally, the bill adds that the Code section shall not apply  
15 to the termination of a human pregnancy between twenty and  
16 twenty-four weeks postfertilization performed by a physician,  
17 when in the best clinical judgment of the physician the human  
18 pregnancy has a fetal anomaly incompatible with life. The bill  
19 defines "fetal anomaly incompatible with life" to mean a fetal  
20 condition diagnosed in utero that, if the pregnancy results  
21 in a live birth, will with reasonable certainty result in the  
22 death of the child or will result in requiring the provision of  
23 life-sustaining procedures to the child after the child's birth  
24 and for the duration of the child's life.

25     The bill takes effect upon enactment.