

Senate File 259 - Introduced

SENATE FILE 259

BY FEENSTRA

A BILL FOR

1 An Act relating to the definition of person from the moment of
2 conception until natural death under the criminal code.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 702.26 Person and application to
2 crimes against a person.

3 1. Whenever the word "*person*" appears in the criminal
4 code relating to crimes against a person, "*person*" means
5 an individual living human being without regard to age of
6 development from the moment of conception, when a zygote is
7 formed, until natural death. Each such person is accorded the
8 same rights and protections guaranteed to all persons by the
9 Constitution of the United States, the Constitution of the
10 State of Iowa, and the laws of this state.

11 2. Notwithstanding any other provision of law to the
12 contrary, in the criminal code:

13 a. The elements of a crime against a person shall not be
14 interpreted to preclude the use of medications or procedures
15 necessary to relieve a person's pain or discomfort if the
16 use of the medications or procedures is not intentionally or
17 knowingly prescribed or administered to cause the death of a
18 person.

19 b. The following acts do not constitute a crime against a
20 person:

21 (1) Medical treatment for life-threatening conditions,
22 provided to a person by a physician licensed to practice
23 medicine, which results in the accidental or unintentional
24 injury or death of another person.

25 (2) Legitimate medical treatment for life-threatening
26 conditions not intended to harm a person but which has the
27 foreseeable effect of ending a person's life, including
28 legitimate medical treatment to preserve the life of a pregnant
29 woman even if the foreseeable effect is harm to the fetus, as
30 long as the person providing the medical treatment exercises
31 that degree of professional skill, care, and diligence
32 available to preserve the life and health of the fetus.

33 (3) The creation of a person through in vitro fertilization.

34 (4) Contraception administered before a clinically
35 diagnosable pregnancy.

1 c. A crime against a person who has not yet been born shall
2 only be charged against the principal actor of the criminal
3 conduct. For the purposes of this lettered paragraph "c",
4 a person is a principal actor if the person does any of the
5 following:

6 (1) Commits an offense punishable under the criminal code or
7 aids, abets, counsels, commands, or procures its commission.

8 (2) Causes an act to be done which, if directly performed by
9 the person, would be punishable under the criminal code.

10 3. This section shall not be interpreted as a basis for
11 inuring to or vesting in a child before the time of live birth
12 or in the biological parents of a child before the time of live
13 birth a pecuniary interest or citizenship status.

14 EXPLANATION

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

17 This bill defines "person" for the purposes of the criminal
18 code to be an individual living human being without regard to
19 age of development from the moment of conception, when a zygote
20 is formed, until natural death. Each such person is accorded
21 the same rights and protections guaranteed to all persons by
22 the Constitution of the United States, the Constitution of the
23 State of Iowa, and the laws of this state.

24 The bill provides some exemptions to the interpretation
25 and application of crimes against a person based on the
26 definition. The bill provides that elements of a crime against
27 a person shall not be interpreted to preclude the use of
28 medications or procedures necessary to relieve a person's pain
29 or discomfort if the use of the medications or procedures is
30 not intentionally or knowingly prescribed or administered to
31 cause the death of a person. Additionally, the following acts
32 do not constitute a crime against a person:

33 1. Medical treatment for life-threatening conditions,
34 provided to a person by a physician licensed to practice
35 medicine, which results in the accidental or unintentional

1 injury or death of another person.

2 2. Legitimate medical treatment for life-threatening
3 conditions not intended to harm a person but which has the
4 foreseeable effect of ending a person's life, including
5 legitimate medical treatment to preserve the life of a pregnant
6 woman even if the foreseeable effect is harm to the fetus, as
7 long as the person providing the medical treatment exercises
8 that degree of professional skill, care, and diligence
9 available to preserve the life and health of the fetus.

10 3. The creation of a person through in vitro fertilization.

11 4. Contraception administered before a clinically
12 diagnosable pregnancy.

13 Finally, under the bill, a crime against a person who has not
14 yet been born shall only be charged against the principal actor
15 of the criminal conduct. The bill defines "principal actor"
16 for the purposes of the bill. The bill also provides that the
17 provisions of the bill are not to be interpreted as a basis for
18 inuring to or vesting in a child before the time of live birth
19 or in the biological parents of a child before the time of live
20 birth a pecuniary interest or citizenship status.