

Senate Study Bill 1170 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to the nonconsensual termination of and serious
2 injury to a human pregnancy, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 707.8, subsections 1 and 2, Code 2019,
2 are amended by striking the subsections and inserting in lieu
3 thereof the following:

4 1. A person who knew or reasonably should have known that a
5 person was pregnant is guilty of a class "A" felony under any
6 of the following circumstances:

7 a. The person intended to cause the death of or serious
8 bodily injury to the pregnant person or to terminate or cause
9 serious injury to the human pregnancy, and without the pregnant
10 person's consent, terminates the human pregnancy.

11 b. The person knew or reasonably should have known that the
12 person's actions would cause the death of or serious bodily
13 injury to the pregnant person or would terminate or cause
14 serious injury to the human pregnancy, and without the pregnant
15 person's consent, terminates the human pregnancy.

16 2. A person who knew or reasonably should have known that
17 a person was pregnant is guilty of a class "A" felony if
18 the person, without specific intent to cause the death of or
19 serious bodily injury to the pregnant person or to terminate
20 or cause serious injury to the human pregnancy, terminates the
21 human pregnancy without the pregnant person's consent, during
22 the commission of a felony.

23 Sec. 2. Section 707.8, subsections 3 and 4, Code 2019, are
24 amended to read as follows:

25 3. A person who intentionally terminates a human pregnancy
26 without the knowledge and voluntary consent of the pregnant
27 person is guilty of a class "C" "B" felony.

28 4. A person who unintentionally terminates a human
29 pregnancy by any of the means provided pursuant to section
30 707.6A, subsection 1, is guilty of a class "C" "B" felony.

31 EXPLANATION

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

34 This bill relates to nonconsensual termination of and
35 serious injury to a human pregnancy.

1 The bill strikes current provisions relating to the
2 termination of a human pregnancy without the consent of the
3 pregnant person during the commission of a forcible felony or
4 during the commission of a felony or felonious assault. The
5 bill instead provides that a person who knew or reasonably
6 should have known that a person was pregnant is guilty of a
7 class "A" felony if either (1) the person intended to cause the
8 death of or serious bodily injury to the pregnant person or to
9 terminate or cause serious injury to the human pregnancy, and
10 without the pregnant person's consent, terminates the human
11 pregnancy, or (2) the person knew or reasonably should have
12 known the person's actions would cause the death of or serious
13 bodily injury to the pregnant person or would terminate or
14 cause serious injury to the human pregnancy, and without the
15 pregnant person's consent, terminates the human pregnancy.
16 Additionally, the bill provides that a person who knew or
17 reasonably should have known that a person was pregnant is
18 guilty of a class "A" felony if the person, without specific
19 intent to cause the death of or serious bodily injury to the
20 pregnant person or to terminate or cause serious injury to the
21 human pregnancy, terminates the human pregnancy, without the
22 pregnant person's consent, during the commission of a felony.

23 The bill also increases the penalty for a person who
24 unintentionally terminates a human pregnancy by any of
25 the means provided pursuant to Code section 707.6A(1),
26 (unintentionally causing the death of another by operating
27 a motor vehicle while intoxicated) and for a person who
28 intentionally terminates a human pregnancy without the
29 voluntary and informed consent of the pregnant person from a
30 class "C" felony to a class "B" felony.