

House File 2256 - Introduced

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A BILL FOR

1 An Act relating to the treatment of an unborn child for the
2 purposes of damages for wrongful death, the defense of
3 compulsion, homicide and related crimes, and assault, making
4 penalties applicable, and including effective date and
5 applicability provisions.

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

1 Section 1. PURPOSES. The general assembly finds and
2 declares that the purposes of this Act are all of the
3 following:

4 1. To recognize that the fourteenth amendment to the
5 Constitution of the United States requires that "No state
6 shall...deny to any person within its jurisdiction the equal
7 protection of the laws."

8 2. To fully recognize that innocent human life, created in
9 the image of God, should be equally protected under the law
10 from fertilization to natural death.

11 3. To ensure that the rights of unborn children are
12 protected from homicide and assault by the same criminal and
13 civil laws protecting all other persons.

14 4. To recognize that all persons potentially subject to such
15 laws are entitled to due process protections.

16 5. To ensure that pregnant women are protected under the law
17 from being pressured to abort a child.

18 6. To remove provisions that may allow a person to solicit,
19 command, aid, or counsel a pregnant woman to abort a child.

20 Sec. 2. Section 633.336, Code 2024, is amended to read as
21 follows:

22 **633.336 Damages for wrongful death.**

23 1. When a wrongful act produces death, damages recovered as
24 a result of the wrongful act shall be disposed of as personal
25 property belonging to the estate of the deceased; however, if
26 the damages include damages for loss of services and support
27 of a deceased spouse, parent, or child, the damages shall be
28 apportioned by the court among the surviving spouse, children,
29 and parents of the decedent in a manner as the court may deem
30 equitable consistent with the loss of services and support
31 sustained by the surviving spouse, children, and parents
32 respectively.

33 2. Any recovery by a parent for the death of a child shall
34 be subordinate to the recovery, if any, of the spouse or a
35 child of the decedent.

1 3. If the decedent leaves a spouse, child, or parent,
2 damages for wrongful death shall not be subject to debts and
3 charges of the decedent's estate, except for amounts to be paid
4 to the department of health and human services for payments
5 made for medical assistance pursuant to chapter 249A, paid
6 on behalf of the decedent from the time of the injury which
7 gives rise to the decedent's death up until the date of the
8 decedent's death.

9 4. a. For the purposes of this section, damages for
10 wrongful death of a child shall include the wrongful death of
11 an unborn child.

12 b. For the purposes of this subsection:

13 (1) "Fertilization" means the fusion of a human spermatozoon
14 with a human ovum.

15 (2) "Fetal death" means the same as defined in section
16 144.1.

17 (3) "Unborn child" means an individual organism of
18 the species homo sapiens at any stage of development from
19 fertilization to fetal death or live birth.

20 Sec. 3. Section 704.10, Code 2024, is amended to read as
21 follows:

22 **704.10 Compulsion.**

23 ~~No~~ An act, other than an act by which one intentionally or
24 recklessly causes physical injury to another, is not a public
25 offense if the person so acting, including a pregnant woman
26 acting relative to her unborn child under chapter 707 or 708,
27 is compelled to do so by another's threat or menace of serious
28 injury, provided that the person reasonably believes that such
29 injury is imminent and can be averted only by the person doing
30 such act.

31 Sec. 4. NEW SECTION. **707.1A Homicide and related crimes —**
32 **unborn child victim.**

33 1. a. As used in this chapter, "person" includes an unborn
34 child when the person is the victim of the crime.

35 b. For the purposes of this section:

1 (1) "*Fertilization*" means the fusion of a human spermatozoon
2 with a human ovum.

3 (2) "*Fetal death*" means the same as defined in section
4 144.1.

5 (3) "*Unborn child*" means an individual organism of the
6 species homo sapiens from fertilization to fetal death or live
7 birth.

8 2. Prosecution of a crime under this chapter, when the
9 victim is an unborn child, is subject to the same presumptions,
10 defenses, justifications, immunities, clemencies, and other
11 due process protections that would apply if the victim were a
12 person following a live birth.

13 3. This section shall not apply to the unintentional death
14 of an unborn child resulting from either of the following:

15 a. The performance of life-saving procedures to save the
16 life of a pregnant woman when accompanied by reasonable steps,
17 if available, to save the life of the unborn child.

18 b. A miscarriage.

19 4. If a provision of law conflicts with this section, this
20 section shall prevail.

21 Sec. 5. NEW SECTION. 708.1A **Assault on an unborn child.**

22 1. a. As used in this chapter, "*person*" includes an unborn
23 child when the person is the victim of the crime.

24 b. For the purposes of this section:

25 (1) "*Fertilization*" means the fusion of a human spermatozoon
26 with a human ovum.

27 (2) "*Fetal death*" means the same as defined in section
28 144.1.

29 (3) "*Unborn child*" means an individual organism of the
30 species homo sapiens from fertilization to fetal death or live
31 birth.

32 2. Prosecution of a crime under this chapter, when the
33 victim is an unborn child, is subject to the same presumptions,
34 defenses, justifications, immunities, clemencies, and other
35 due process protections that would apply if the victim were a

1 person following a live birth.

2 3. This section shall not apply to the unintentional harm
3 to or death of an unborn child resulting from either of the
4 following:

5 a. The performance of life-saving procedures to save the
6 life of a pregnant woman when accompanied by reasonable steps,
7 if available, to save the life of the unborn child.

8 b. A miscarriage.

9 4. If a provision of law conflicts with this section, this
10 section shall prevail.

11 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate
12 importance, takes effect upon enactment.

13 Sec. 7. APPLICABILITY. This Act applies only to conduct or
14 an act occurring on or after the effective date of this Act.

15 EXPLANATION

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

18 This bill relates to the treatment of an unborn child for
19 purposes of damages for wrongful death, certain crimes, and
20 certain defenses.

21 The bill provides the purposes of the bill.

22 The bill amends Code section 633.336 (damages for wrongful
23 death) to provide that damages for wrongful death of a child
24 shall include the wrongful death of an unborn child, as defined
25 in the bill to mean an individual organism of the species homo
26 sapiens from fertilization to fetal death or live birth.

27 The bill amends Code section 704.10 (compulsion) to provide
28 that an act, other than an act by which one intentionally or
29 recklessly causes physical injury to another, is not a public
30 offense if the person so acting, including a pregnant woman
31 acting relative to her unborn child under Code chapter 707
32 (homicide or related crimes) or 708 (assault), is compelled to
33 do so by another's threat or menace of serious injury, provided
34 that the person reasonably believes that such injury is
35 imminent and can be averted only by the person doing such act.

1 The bill creates new Code section 707.1A (homicide and
2 related crimes — unborn child victim) that provides that
3 for the purpose of Code chapter 707 (homicide and related
4 crimes), "person" includes an unborn child when the person
5 is the victim of the crime. The new Code section provides
6 that prosecution of a crime under Code chapter 707, when the
7 victim is an unborn child, is subject to the same presumptions,
8 defenses, justifications, immunities, clemencies, and other
9 due process protections that would apply if the victim were
10 a person following a live birth. The Code section shall not
11 apply to the unintentional death of an unborn child resulting
12 from the performance of life-saving procedures to save the
13 life of a pregnant woman when accompanied by reasonable steps,
14 if available, to save the life of the unborn child; or to a
15 miscarriage. If a provision of law conflicts with the new Code
16 section, the new Code section prevails.

17 The bill also creates new Code section 708.1A (assault on
18 an unborn child). The new Code section provides that for
19 the purpose of Code chapter 708 (assault), "person" includes
20 an unborn child when the person is the victim of the crime.
21 The new Code section provides that prosecution of a crime
22 under Code chapter 708, when the victim is an unborn child, is
23 subject to the same presumptions, defenses, justifications,
24 immunities, clemencies, and other due process protections that
25 would apply if the victim were a person following a live birth.
26 The Code section shall not apply to the unintentional death of
27 or harm to an unborn child resulting from the performance of
28 life-saving procedures to save the life of a pregnant woman
29 when accompanied by reasonable steps, if available, to save the
30 life of the unborn child; or to a miscarriage. If a provision
31 of law conflicts with the new Code section, the new Code
32 section prevails.

33 The bill takes effect upon enactment. The bill applies only
34 to conduct or an act occurring on or after the effective date
35 of the bill.