

House Study Bill 621 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to the nonconsensual causing of death of,
2 or serious injury to, an unborn person, and providing
3 penalties.

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

1 Section 1. Section 707.8, Code 2024, is amended to read as
2 follows:

3 **707.8 Nonconsensual ~~termination~~ — causing of death of, or
4 serious injury to a human pregnancy, an unborn person.**

5 1. A person who ~~terminates a human pregnancy~~ causes the
6 death of an unborn person without the consent of the pregnant
7 person during the commission of a forcible felony is guilty of
8 a class "B" "A" felony.

9 2. A person who ~~terminates a human pregnancy~~ causes the
10 death of an unborn person without the consent of the pregnant
11 person during the commission of a felony or felonious assault
12 is guilty of a class "C" "A" felony.

13 3. a. A person who intentionally ~~terminates a human~~
14 pregnancy causes the death of an unborn person without the
15 knowledge and voluntary consent of the pregnant person is
16 guilty of a class "C" "B" felony.

17 b. A person who attempts to intentionally ~~terminate a~~
18 human pregnancy cause the death of an unborn person without
19 the knowledge and voluntary consent of the pregnant person is
20 guilty of a class "D" "C" felony.

21 4. A person who unintentionally ~~terminates a human~~
22 pregnancy causes the death of an unborn person by any of the
23 means provided pursuant to [section 707.6A, subsection 1](#), is
24 guilty of a class "C" "B" felony.

25 5. A person who by force or intimidation procures the
26 consent of the pregnant person to a ~~termination of a human~~
27 pregnancy cause the death of an unborn person is guilty of a
28 class "C" felony.

29 6. A person who unintentionally ~~terminates a human~~
30 pregnancy causes the death of an unborn person while drag
31 racing in violation of [section 321.278](#) is guilty of a class "D"
32 felony.

33 7. A person who unintentionally ~~terminates a human~~
34 pregnancy causes the death of an unborn person without the
35 knowledge and voluntary consent of the pregnant person by

1 the commission of an act in a manner likely to cause the
2 ~~termination~~ death of or serious injury to a ~~human pregnancy~~ an
3 unborn person is guilty of an aggravated misdemeanor.

4 8. A person commits an aggravated misdemeanor when the
5 person intentionally causes serious injury to a ~~human pregnancy~~
6 an unborn person by the commission of an act in a manner likely
7 to cause the ~~termination~~ death of or serious injury to a ~~human~~
8 pregnancy an unborn person.

9 9. A person commits an aggravated misdemeanor when the
10 person unintentionally causes serious injury to a ~~human~~
11 pregnancy an unborn person by any of the means described in
12 section 707.6A, subsection 1.

13 10. A person commits a serious misdemeanor when the person
14 unintentionally causes serious injury to a ~~human pregnancy~~ an
15 unborn person by the commission of an act in a manner likely to
16 cause the ~~termination~~ death of or serious injury to the ~~human~~
17 pregnancy unborn person.

18 11. For the purposes of **this section** ~~"serious injury to a~~
19 ~~human pregnancy"~~:

20 a. "Serious injury to an unborn person" means, relative to
21 the ~~human pregnancy~~ unborn person, disabling mental illness,
22 or bodily injury which creates a substantial risk of death or
23 which causes serious permanent disfigurement, or protracted
24 loss or impairment of the function of any bodily member or
25 organ, and includes but is not limited to skull fractures, rib
26 fractures, and metaphyseal fractures of the long bones.

27 b. "Unborn person" means an individual organism of the
28 species homo sapiens from fertilization to live birth.

29 12. As used in **this section**, actions which cause the
30 ~~termination~~ death of or serious injury to a ~~pregnancy~~ an unborn
31 person do not apply to any of the following:

32 a. An act or omission of the pregnant person.

33 b. A ~~termination~~ death of or a serious injury to a ~~pregnancy~~
34 an unborn person which is caused by the performance of an
35 approved medical procedure performed by a person licensed in

1 this state to practice medicine and surgery or osteopathic
2 medicine and surgery, irrespective of the duration of the
3 pregnancy and with or without the voluntary consent of the
4 pregnant person when circumstances preclude the pregnant person
5 from providing consent.

6 c. An act committed in self-defense or in defense of another
7 person or any other act committed if legally justified or
8 excused.

9

EXPLANATION

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

12 This bill relates to Code section 707.8 (nonconsensual
13 termination — serious injury to a human pregnancy).

14 The bill replaces references to "human pregnancy" throughout
15 the Code section with "unborn person", and defines "unborn
16 person".

17 Current Code section 707.8(1) provides that a person
18 who terminates a human pregnancy without the consent of the
19 pregnant person during the commission of a forcible felony is
20 guilty of a class "B" felony. A class "B" felony is punishable
21 by confinement for no more than 25 years. The bill amends this
22 Code subsection to provide that a person who causes the death
23 of an unborn person without the consent of the pregnant person
24 during the commission of a forcible felony is guilty of a class
25 "A" felony. A class "A" felony is punishable by confinement
26 for life without possibility of parole.

27 Current Code section 707.8(2) provides that a person
28 who terminates a human pregnancy without the consent of the
29 pregnant person during the commission of a felony or felonious
30 assault is guilty of a class "C" felony. A class "C" felony
31 is punishable by confinement for no more than 10 years and
32 a fine of at least \$1,370 but not more than \$13,660. The
33 bill amends this Code subsection to provide that a person who
34 causes the death of an unborn person without the consent of the
35 pregnant person during the commission of a felony or felonious

1 assault is guilty of a class "A" felony. A class "A" felony
2 is punishable by confinement for life without possibility of
3 parole.

4 Current Code section 707.8(3)(a) provides that a person
5 who intentionally terminates a human pregnancy without the
6 knowledge and voluntary consent of the pregnant person is
7 guilty of a class "C" felony. The bill amends this Code
8 paragraph to provide that a person who intentionally causes the
9 death of an unborn person without the knowledge and voluntary
10 consent of the pregnant person is guilty of a class "B" felony.
11 Additionally, under current Code section 707.8(3)(b), a person
12 who attempts to intentionally terminate a human pregnancy
13 without the knowledge and voluntary consent of the pregnant
14 person is guilty of a class "D" felony. A class "D" felony
15 is punishable by confinement for no more than five years and
16 a fine of at least \$1,025 but not more than \$10,245. The
17 bill amends this Code paragraph to provide that a person who
18 attempts to intentionally cause the death of an unborn person
19 without the knowledge and voluntary consent of the pregnant
20 person is guilty of a class "C" felony.

21 Current Code section 707.8(4) provides that a person who
22 unintentionally terminates a human pregnancy by any of the
23 means provided pursuant to Code section 707.6A(1) (operating
24 a motor vehicle while intoxicated), is guilty of a class "C"
25 felony. The bill amends this Code subsection to provide that a
26 person who unintentionally causes the death of an unborn person
27 by any of the means provided pursuant to Code section 707.6A(1)
28 is guilty of a class "B" felony.

29 Current Code section 707.8(5) provides that a person who
30 by force or intimidation procures the consent of the pregnant
31 person to a termination of a human pregnancy is guilty of a
32 class "C" felony. The bill amends this Code subsection to
33 provide that a person who by force or intimidation procures the
34 consent of the pregnant person to cause the death of an unborn
35 person is guilty of a class "C" felony.

1 Current Code section 707.8(6) provides that a person who
2 unintentionally terminates a human pregnancy while drag racing
3 is guilty of a class "D" felony. The bill amends this Code
4 subsection to provide that a person who unintentionally causes
5 the death of an unborn person while drag racing is guilty of a
6 class "D" felony.

7 Current Code section 707.8(7) provides that a person who
8 unintentionally terminates a human pregnancy without the
9 knowledge and voluntary consent of the pregnant person by
10 the commission of an act in a manner likely to cause the
11 termination of or serious injury to a human pregnancy is guilty
12 of an aggravated misdemeanor. An aggravated misdemeanor is
13 punishable by confinement for no more than two years and a
14 fine of at least \$855 but not more than \$8,540. The bill
15 amends this Code subsection to provide that a person who
16 unintentionally causes the death of an unborn person without
17 the knowledge and voluntary consent of the pregnant person
18 by the commission of an act in a manner likely to cause the
19 death of or serious injury to an unborn person is guilty of an
20 aggravated misdemeanor.

21 Current Code section 707.8(8) provides that a person
22 commits an aggravated misdemeanor when the person intentionally
23 causes serious injury to a human pregnancy by the commission
24 of an act in a manner likely to cause the termination of or
25 serious injury to a human pregnancy. The bill amends this
26 Code subsection to provide that a person commits an aggravated
27 misdemeanor when the person intentionally causes serious injury
28 to an unborn person by the commission of an act in a manner
29 likely to cause the death of or serious injury to an unborn
30 person.

31 Current Code section 707.8(9) provides that a person commits
32 an aggravated misdemeanor when the person unintentionally
33 causes serious injury to a human pregnancy by any of the means
34 described in Code section 707.6A(1) (operating a motor vehicle
35 while intoxicated). The bill amends this Code subsection to

1 provide that a person commits an aggravated misdemeanor when
2 the person unintentionally causes serious injury to an unborn
3 person by any of the means described in Code section 707.6A(1).
4 Current Code section 707.8(10) provides that a person
5 commits a serious misdemeanor when the person unintentionally
6 causes serious injury to a human pregnancy by the commission
7 of an act in a manner likely to cause the termination of or
8 serious injury to the human pregnancy. A serious misdemeanor
9 is punishable by confinement for no more than one year and
10 a fine of at least \$430 but not more than \$2,560. The bill
11 amends this Code subsection to provide that a person commits
12 a serious misdemeanor when the person unintentionally causes
13 serious injury to an unborn person by the commission of an act
14 in a manner likely to cause the death of or serious injury to
15 the unborn person.