A BILL FOR

1 An Act relating to the nonconsensual cause of death of and
2   serious injury to an unborn person, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 707.8, Code 2019, is amended to read as follows:

707.8 Nonconsensual termination cause of death — serious injury to a human pregnancy an unborn person.
1. A person who terminates a human pregnancy causes the death of an unborn person without the consent of the pregnant person during the commission of a forcible felony is guilty of a class “B” “A” felony.
2. A person who terminates a human pregnancy causes the death of an unborn person without the consent of the pregnant person during the commission of a felony or felonious assault is guilty of a class “C” “A” felony.
3. A person who intentionally terminates a human pregnancy causes the death of an unborn person without the knowledge and voluntary consent of the pregnant person is guilty of a class “C” “B” felony.
4. A person who unintentionally terminates a human pregnancy causes the death of an unborn person by any of the means provided pursuant to section 707.6A, subsection 1, is guilty of a class “C” “B” felony.
5. A person who by force or intimidation procures the consent of the pregnant person to a termination of a human pregnancy causes the death of an unborn person is guilty of a class “C” felony.
6. A person who unintentionally terminates a human pregnancy causes the death of an unborn person while drag racing in violation of section 321.278 is guilty of a class “D” felony.
7. A person who unintentionally terminates a human pregnancy causes the death of an unborn person without the knowledge and voluntary consent of the pregnant person by the commission of an act in a manner likely to cause the termination death of or serious injury to a human pregnancy an unborn person is guilty of an aggravated misdemeanor.
8. A person commits an aggravated misdemeanor when the
1 person intentionally causes serious injury to a human pregnancy an unborn person by the commission of an act in a manner likely
to cause the termination death of or serious injury to a human pregnancy an unborn person.

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

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

11. For the purposes of this section “serious injury to a human pregnancy an unborn person” means, relative to the human pregnancy unborn person, disabling mental illness, or bodily injury which creates a substantial risk of death or which
causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, and
includes but is not limited to skull fractures, rib fractures, and metaphyseal fractures of the long bones.

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

a. An act or omission of the pregnant person.

b. A termination death of or a serious injury to a pregnancy an unborn person which is caused by the performance of an
approved medical procedure performed by a person licensed in this state to practice medicine and surgery or osteopathic medicine and surgery, irrespective of the duration of the pregnancy and with or without the voluntary consent of the pregnant person when circumstances preclude the pregnant person from providing consent.

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

13. As used in this section, "unborn person" means an individual organism of the species homo sapiens from fertilization to live birth.