

Senate File 523 - Reprinted

SENATE FILE 523
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1170)

(As Amended and Passed by the Senate March 26, 2019)

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:

1 Section 1. Section 707.8, Code 2019, is amended to read as
2 follows:

3 **707.8 Nonconsensual ~~termination~~ cause of death — serious**
4 **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 person who intentionally ~~terminates a human pregnancy~~
14 causes the death of an unborn person without the knowledge and
15 voluntary consent of the pregnant person is guilty of a class
16 "C" "B" felony.

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

21 5. A person who by force or intimidation procures the
22 consent of the pregnant person to a ~~termination of a human~~
23 pregnancy causes the death of an unborn person is guilty of a
24 class "C" felony.

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

29 7. A person who unintentionally ~~terminates a human~~
30 pregnancy causes the death of an unborn person without the
31 knowledge and voluntary consent of the pregnant person by
32 the commission of an act in a manner likely to cause the
33 ~~termination~~ death of or serious injury to a ~~human pregnancy~~ an
34 unborn person is guilty of an aggravated misdemeanor.

35 8. A person commits an aggravated misdemeanor when the

1 person intentionally causes serious injury to a ~~human pregnancy~~
2 an unborn person by the commission of an act in a manner likely
3 to cause the ~~termination~~ death of or serious injury to a ~~human~~
4 ~~pregnancy~~ an unborn person.

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

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

14 11. For the purposes of [this section](#) "*serious injury to a*
15 *human pregnancy*" an unborn person" means, relative to the ~~human~~
16 ~~pregnancy~~ unborn person, disabling mental illness, or bodily
17 injury which creates a substantial risk of death or which
18 causes serious permanent disfigurement, or protracted loss or
19 impairment of the function of any bodily member or organ, and
20 includes but is not limited to skull fractures, rib fractures,
21 and metaphyseal fractures of the long bones.

22 12. As used in [this section](#), actions which cause the
23 ~~termination~~ death of or serious injury to a ~~pregnancy~~ an unborn
24 person do not apply to any of the following:

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

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

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

1 excused.

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