

~~misdemeanor and-punished-by-a-fine-of-not-less-than-five-nor more-than-fifty-dollars.~~

Sec. 138. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), section four hundred twenty-nine (429), is repealed.

Sec. 139. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), sections forty-six (46), forty-seven (47), three hundred eighty-two (382), four hundred two (402), four hundred three (403), four hundred four (404), four hundred five (405), four hundred six (406), four hundred eighty-three (483), and four hundred eighty-four (484), are repealed.

Sec. 140. Sections three hundred thirty-nine point five (339.5) and seven hundred thirteen point forty-five (713.45), Code 1977, are repealed.

Sec. 141. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved July 10, 1977

CHAPTER 148

CRIMINAL CODE REVISION

S. F. 349

AN ACT to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States Supreme Court decision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), is amended by adding the following new section after section two hundred nineteen (219):

SEC. __. NEW SECTION. VIABILITY. Viability is that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life support systems. The time when viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable is a matter of responsible medical judgment.

Sec. 2. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section seven hundred seven (707), is amended to read as follows:

SEC. 707. NEW SECTION. FETICIDE. Any person who intentionally terminates a human pregnancy after the end of the second trimester of the pregnancy where death of the fetus results commits feticide. Feticide is a class C felony.

Any person who attempts to intentionally terminate a human pregnancy after the end of the second trimester of the pregnancy where death of the fetus does not result commits attempted feticide. Attempted feticide is a class D felony.

This section shall not apply to the termination of a human pregnancy performed by a physician licensed in this state to practice medicine or surgery when in the best clinical judgment of the physician the termination is performed to preserve the life or health of the pregnant person or of the fetus and every reasonable medical effort not inconsistent with preserving the life of the pregnant person is made to preserve the life of the a viable fetus.

Any person who terminates a human pregnancy who is not a person licensed to practice medicine and surgery under the provisions of chapter one hundred forty-eight (148) of the Code, or an osteopathic physician and surgeon licensed to practice osteopathic medicine and surgery under the provisions of chapter one hundred fifty A (150A) of the Code, commits a class C felony.

Sec. 3. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section seven hundred nine (709), is amended to read as follows:

SEC. 709. NEW SECTION. ~~HOMICIDE~~ MURDER OF FETUS ABORTED ALIVE. A person who intentionally kills a viable fetus aborted alive ~~after-the-twentieth-week-of-pregnancy~~ shall be guilty of a class B felony.

Sec. 4. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section seven hundred ten (710), is amended to read as follows:

SEC. 710. NEW SECTION. DUTY TO PRESERVE THE LIFE OF THE FETUS. ~~After-the-twentieth-week-of-pregnancy,-a~~ A person who performs or induces a termination of a human pregnancy and who willfully fails to exercise that degree of professional

skill, care, and diligence available to preserve the life and health of a viable fetus ~~showing-significant, -sustainable vital-signs~~ shall be guilty of a serious misdemeanor.

Sec. 5. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved June 17, 1977

CHAPTER 149

ASSISTANCE LAWS—FRAUDULENT PRACTICES

S. F. 297

AN ACT relating to fraudulent practices and appropriating funds for the enforcement of aid to dependent children, medical assistance, and supplemental assistance laws.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named agencies, the following amounts or so much as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

1. DEPARTMENT OF SOCIAL
SERVICES--STATE ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes to match federal funds on an equal basis for the purposes of enforcing sections two hundred thirty-nine point fourteen (239.14), two hundred forty-nine point eleven (249.11), and two hundred forty-nine A point seven (249A.7) of the Code in cooperation with the division of criminal investigation and bureau of identification of the department of public safety..... \$ 66,500