

By: Representative Martinson

To: Judiciary B

HOUSE BILL NO. 31

1 AN ACT TO CREATE THE OFFENSE OF ENDANGERING AN UNBORN CHILD;  
2 TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 97-3-37,  
3 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Any pregnant woman who, either intentionally or  
7 by negligence, causes injury or death to any unborn child shall be  
8 guilty of the felony offense of endangering an unborn child and,  
9 upon conviction, shall be punished by imprisonment for not more  
10 than twenty (20) years or a fine of not more than Seven Thousand  
11 Five Hundred Dollars (\$7,500.00), or both.

12 **SECTION 2.** Section 97-3-37, Mississippi Code of 1972, is  
13 amended as follows:

14 97-3-37. (1) The willful killing of an unborn quick child,  
15 by an injury to the mother of such child, which would be murder if  
16 it resulted in the death of the mother, shall be manslaughter.

17 (2) A person, other than the mother, who intentionally  
18 injures a pregnant woman is guilty of a crime as follows:

19 (a) If the conduct results in a miscarriage or  
20 stillbirth by that individual, a felony punishable by imprisonment  
21 for not more than twenty (20) years or a fine of not more than  
22 Seven Thousand Five Hundred Dollars (\$7,500.00), or both.

23 (b) If the conduct results in great bodily harm to the  
24 embryo or fetus, a felony punishable by imprisonment for not more  
25 than twenty (20) years or a fine of not more than Five Thousand  
26 Dollars (\$5,000.00), or both.

27 (c) If the conduct results in serious or aggravated  
28 physical injury to the embryo or fetus, a misdemeanor punishable



29 by imprisonment for not more than one (1) year or a fine of not  
30 more than One Thousand Dollars (\$1,000.00), or both.

31 (d) If the conduct results in physical injury to the  
32 embryo or fetus, a misdemeanor punishable by imprisonment for not  
33 more than ninety (90) days or a fine of not more than Five Hundred  
34 Dollars (\$500.00), or both.

35 (3) The provisions of this section shall not apply to any  
36 legal medical procedure performed by a licensed physician  
37 including legal abortions.

38 **SECTION 3.** This act shall take effect and be in force from  
39 and after July 1, 2002.

