

By: Senator(s) Furniss

To: Judiciary

SENATE BILL NO. 2123

1 AN ACT TO AMEND SECTION 97-3-37, MISSISSIPPI CODE OF 1972, TO
2 PRESCRIBE A PENALTY FOR A FEMALE'S USE OF A CONTROLLED SUBSTANCE
3 RESULTING IN THE DEATH OF AN UNBORN FETUS OF 20 WEEKS OR MORE
4 GESTATIONAL AGE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-3-37, Mississippi Code of 1972, is
7 amended as follows:

8 97-3-37. (1) The willful killing of an unborn quick child,
9 by an injury to the mother of such child, which would be murder if
10 it resulted in the death of the mother, shall be manslaughter.

11 (2) Any death of an unborn child of twenty (20) weeks or
12 more gestational age, resulting from the use by the mother of any
13 illegal controlled substance during the mother's pregnancy with
14 the child in question, shall be manslaughter to be charged against
15 the mother. Any suspected such death shall be reported promptly
16 to the County Medical Examiner Investigator, who shall cause an
17 autopsy to be performed by a state-designated pathologist to
18 determine the cause and manner of death.

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20 **SECTION 2.** This act shall take effect and be in force from
21 and after July 1, 2002.

