## MISSISSIPPI LEGISLATURE

By: Senator(s) Nunnelee, Albritton, Brown, Browning, Burton, Butler, Carmichael, Chamberlin, Chaney, Clarke, Dearing, Doxey, Flowers, Harvey, Hewes, Jackson (15th), King, Kirby, Lee (35th), Little, Mettetal, Michel, Morgan, Pickering, Posey, Ross, White, Wilemon, Hyde-Smith

To: Public Health and Welfare

## SENATE BILL NO. 2869

section 1. Section 97-3-37, Mississippi Code of 1973 amended as follows:  9 97-3-37. (1) For purposes of the offenses enumerate this subsection (1), the term "human being" includes an unchild at every stage of gestation from conception until 1: birth:  (a) Section 97-3-7, simple and aggravated assaud domestic violence;  (b) Section 97-3-15, justifiable homicide;  (c) Section 97-3-17, excusable homicide;  (d) Section 97-3-19, capital murder;  (e) Section 97-3-27, homicide while committing  felony;  (f) Section 97-3-29, homicide while committing  misdemeanor;  (g) Section 97-3-33, killing a trespasser  unnecessarily;  (h) Section 97-3-35, killing without malice in of passion;	1 2 3 4 5	AN ACT TO AMEND SECTION 97-3-37, MISSISSIPPI CODE OF 1972, TO REVISE THE OFFENSES OF ASSAULT AND HOMICIDE SO AS TO INCLUDE AN UNBORN CHILD AT EVERY STATE OF GESTATION FROM CONCEPTION UNTIL LIVE BIRTH WITHIN THE DEFINITION OF "HUMAN BEING"; AND FOR RELATED PURPOSES.
amended as follows:  9 97-3-37. (1) For purposes of the offenses enumerated this subsection (1), the term "human being" includes an unchild at every stage of gestation from conception until 1: birth:  (a) Section 97-3-7, simple and aggravated assaud domestic violence;  (b) Section 97-3-15, justifiable homicide;  (c) Section 97-3-17, excusable homicide;  (d) Section 97-3-19, capital murder;  (e) Section 97-3-27, homicide while committing felony;  (f) Section 97-3-29, homicide while committing misdemeanor;  (g) Section 97-3-33, killing a trespasser unnecessarily;  (h) Section 97-3-35, killing without malice in of passion;  (i) Section 97-3-45, homicide by means of a data animal;	6	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
9 97-3-37. (1) For purposes of the offenses enumerate this subsection (1), the term "human being" includes an unchild at every stage of gestation from conception until 1: birth:  13 (a) Section 97-3-7, simple and aggravated assaud domestic violence;  15 (b) Section 97-3-15, justifiable homicide;  16 (c) Section 97-3-17, excusable homicide;  17 (d) Section 97-3-19, capital murder;  18 (e) Section 97-3-27, homicide while committing felony;  20 (f) Section 97-3-29, homicide while committing misdemeanor;  21 (g) Section 97-3-33, killing a trespasser unnecessarily;  22 (h) Section 97-3-35, killing without malice in of passion;  23 (i) Section 97-3-45, homicide by means of a data animal;	7	SECTION 1. Section 97-3-37, Mississippi Code of 1972, is
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domestic violence;  (b) Section 97-3-15, justifiable homicide;  (c) Section 97-3-17, excusable homicide;  (d) Section 97-3-19, capital murder;  (e) Section 97-3-27, homicide while committing  felony;  (f) Section 97-3-29, homicide while committing  misdemeanor;  (g) Section 97-3-33, killing a trespasser  unnecessarily;  (h) Section 97-3-35, killing without malice in  of passion;  (i) Section 97-3-45, homicide by means of a data	12	<pre>birth:</pre>
(b) Section 97-3-15, justifiable homicide;  (c) Section 97-3-17, excusable homicide;  (d) Section 97-3-19, capital murder;  (e) Section 97-3-27, homicide while committing  felony;  (f) Section 97-3-29, homicide while committing  misdemeanor;  (g) Section 97-3-33, killing a trespasser  unnecessarily;  (h) Section 97-3-35, killing without malice in of passion;  (i) Section 97-3-45, homicide by means of a data animal;	13	(a) Section 97-3-7, simple and aggravated assault and
(c) Section 97-3-17, excusable homicide;  (d) Section 97-3-19, capital murder;  (e) Section 97-3-27, homicide while committing  felony;  (f) Section 97-3-29, homicide while committing  misdemeanor;  (g) Section 97-3-33, killing a trespasser  unnecessarily;  (h) Section 97-3-35, killing without malice in  of passion;  (i) Section 97-3-45, homicide by means of a data	14	domestic violence;
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(e) Section 97-3-27, homicide while committing  felony;  (f) Section 97-3-29, homicide while committing  misdemeanor;  (g) Section 97-3-33, killing a trespasser  unnecessarily;  (h) Section 97-3-35, killing without malice in  of passion;  (i) Section 97-3-45, homicide by means of a day  animal;	16	(c) Section 97-3-17, excusable homicide;
19 felony; 20 (f) Section 97-3-29, homicide while committing 21 misdemeanor; 22 (g) Section 97-3-33, killing a trespasser 23 unnecessarily; 24 (h) Section 97-3-35, killing without malice in 25 of passion; 26 (i) Section 97-3-45, homicide by means of a dar 27 animal;	17	(d) Section 97-3-19, capital murder;
(f) Section 97-3-29, homicide while committing misdemeanor;  (g) Section 97-3-33, killing a trespasser unnecessarily;  (h) Section 97-3-35, killing without malice in of passion;  (i) Section 97-3-45, homicide by means of a data animal;	18	(e) Section 97-3-27, homicide while committing a
21 misdemeanor;  22 (g) Section 97-3-33, killing a trespasser  23 unnecessarily;  24 (h) Section 97-3-35, killing without malice in of passion;  25 of passion;  26 (i) Section 97-3-45, homicide by means of a data animal;	19	<pre>felony;</pre>
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23 unnecessarily; 24 (h) Section 97-3-35, killing without malice in 25 of passion; 26 (i) Section 97-3-45, homicide by means of a day 27 animal;	21	misdemeanor;
(h) Section 97-3-35, killing without malice in of passion;  (i) Section 97-3-45, homicide by means of a data animal;	22	(g) Section 97-3-33, killing a trespasser
25 <u>of passion;</u> 26 <u>(i) Section 97-3-45, homicide by means of a dar</u> 27 <u>animal;</u>	23	unnecessarily;
26 (i) Section 97-3-45, homicide by means of a dama 27 animal;	24	(h) Section 97-3-35, killing without malice in the heat
27 <u>animal;</u>	25	of passion;
	26	(i) Section 97-3-45, homicide by means of a dangerous
28 (j) Section 97-3-47, all other homicides;	27	animal;
	28	(j) Section 97-3-47, all other homicides;

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- 29 (k) Section 97-3-61, poisoning with intent to kill or
- 30 injure.
- 31 (2) A person who intentionally injures a pregnant woman is
- 32 guilty of a crime as follows:
- 33 (a) If the conduct results in a miscarriage or
- 34 stillbirth by that individual, a felony punishable by imprisonment
- 35 for not more than twenty (20) years or a fine of not more than
- 36 Seven Thousand Five Hundred Dollars (\$7,500.00), or both.
- 37 (b) If the conduct results in great bodily harm to the
- 38 embryo or fetus, a felony punishable by imprisonment for not more
- 39 than twenty (20) years or a fine of not more than Five Thousand
- 40 Dollars (\$5,000.00), or both.
- 41 (c) If the conduct results in serious or aggravated
- 42 physical injury to the embryo or fetus, a misdemeanor punishable
- 43 by imprisonment for not more than one (1) year or a fine of not
- 44 more than One Thousand Dollars (\$1,000.00), or both.
- (d) If the conduct results in physical injury to the
- 46 embryo or fetus, a misdemeanor punishable by imprisonment for not
- 47 more than ninety (90) days or a fine of not more than Five Hundred
- 48 Dollars (\$500.00), or both.
- 49 (3) The provisions of this section shall not apply to any
- 50 legal medical procedure performed by a licensed physician or other
- 51 licensed medical professional, including legal abortions, when
- 52 done at the request of a mother of an unborn child or the mother's
- 53 legal guardian, or to the lawful dispensing or administration of
- 54 lawfully prescribed medication.
- 55 **SECTION 2.** This act shall take effect and be in force from
- 56 and after July 1, 2004.