

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

1 AN ACT TO AMEND SECTION 97-3-37, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE OFFENSES OF ASSAULT AND HOMICIDE SO AS TO INCLUDE AN
3 UNBORN CHILD AT EVERY STATE OF GESTATION FROM CONCEPTION UNTIL
4 LIVE BIRTH WITHIN THE DEFINITION OF "HUMAN BEING"; AND FOR RELATED
5 PURPOSES.

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

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

9 97-3-37. (1) For purposes of the offenses enumerated in
10 this subsection (1), the term "human being" includes an unborn
11 child at every stage of gestation from conception until live
12 birth:

13 (a) Section 97-3-7, simple and aggravated assault and
14 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 a
19 felony;

20 (f) Section 97-3-29, 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 the heat
25 of passion;

26 (i) Section 97-3-45, homicide by means of a dangerous
27 animal;

28 (j) Section 97-3-47, all other homicides;

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.

45 (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.