

By: Senator(s) Watson, McDaniel, Yancey, Albritton, Brown, Browning, Burton, Butler (38th), Carmichael, Chassaniol, Clarke, Collins, Davis, Dearing, Fillingane, Flowers, Frazier, Gordon, Hudson, Hyde-Smith, Jackson (11th), Jackson (15th), Jackson (32nd), Jordan, King, Lee (35th), Mettetal, Powell, Ward, Stone

To: Judiciary, Division A

SENATE BILL NO. 2615  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 97-3-37, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE ELEMENTS OF THE OFFENSES OF KILLING OF OR INJURY TO AN  
3 UNBORN CHILD; TO REVISE THE PUNISHMENT FOR THE OFFENSE; AND FOR  
4 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) For purposes of the offenses enumerated in  
9 this subsection (1), the term "human being" includes an unborn  
10 child at every stage of gestation from conception until live birth  
11 and the term "unborn child" means a member of the species homo  
12 sapiens, at any stage of development, who is carried in the womb:

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, murder, 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 serious physical injury  
38 to the embryo or fetus, a felony punishable by imprisonment for  
39 not more than twenty (20) years or a fine of not more than Five  
40 Thousand Dollars (\$5,000.00), or both.

41 (c) If the conduct results in minor physical injury to  
42 the embryo or fetus, a misdemeanor punishable by imprisonment for  
43 not more than six (6) months or a fine of not more than One  
44 Thousand Dollars (\$1,000.00), or both.

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46 (3) The provisions of this section shall not apply to any  
47 legal medical procedure performed by a licensed physician or other  
48 licensed medical professional, including legal abortions, when  
49 done at the request of a mother of an unborn child or the mother's  
50 legal guardian, or to the lawful dispensing or administration of  
51 lawfully prescribed medication.

52 (4) Nothing contained in this section shall be construed to  
53 prohibit prosecution of an offender pursuant to the provisions of  
54 any other applicable statute.

55 **SECTION 2.** This act shall take effect and be in force from  
56 and after July 1, 2011.

