

By: Representatives Boyd, Arnold, Hopkins,
Rogers (61st), Scoggin, Eubanks, Tullos,
Criswell, Shirley

To: Judiciary B

HOUSE BILL NO. 1059

1 AN ACT TO AMEND SECTION 97-3-37, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PROVISION OF LAW GOVERNING PENALTIES FOR THE
3 INTENTIONAL INJURY TO A PREGNANT WOMAN; AND FOR RELATED PURPOSES.

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

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

7 97-3-37. (1) For purposes of the offenses enumerated in
8 this * * * section, the term "human being" and "person" includes
9 an unborn child at every stage of gestation from conception until
10 live birth and the term "unborn child" means a member of the
11 species homo sapiens, at any stage of development, who is carried
12 in the womb * * *.

13 * * *

14 (2) A person who intentionally injures a pregnant woman is
15 guilty of a crime as follows:

16 (a) If the conduct results in a miscarriage or
17 stillbirth by that individual, a felony punishable by imprisonment



18 for not more than twenty (20) years or a fine of not more than
19 Seven Thousand Five Hundred Dollars (\$7,500.00), or both.

20 (b) If the conduct results in serious physical injury
21 to the embryo or fetus, a felony punishable by imprisonment for
22 not more than twenty (20) years or a fine of not more than Five
23 Thousand Dollars (\$5,000.00), or both.

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

28 (3) The provisions of this section shall not apply to * * *
29 those medical procedures required to prevent the death of either
30 the pregnant woman or her unborn child, as long as every
31 reasonable effort has been made to preserve the life of each.

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

35 (5) Nothing contained in this section shall be construed to
36 provide a right to abortion.

37 (6) It is the intent of the Legislature that any invalidity
38 or potential invalidity of a provision of this act shall not
39 impair the immediate and continuing enforceability of the
40 remaining provisions.

41 **SECTION 2.** This act shall take effect and be in force from
42 and after July 1, 2019.

