

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
(As Sent to Governor)

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"; TO DEFINE THE
5 TERM "UNBORN CHILD"; AND FOR RELATED 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 birth
12 and the term "unborn child" means a member of the species homo
13 sapiens, at any stage of development, who is carried in the womb:

14 (a) Section 97-3-7, simple and aggravated assault and
15 domestic violence;

16 (b) Section 97-3-15, justifiable homicide;

17 (c) Section 97-3-17, excusable homicide;

18 (d) Section 97-3-19, capital murder;

19 (e) Section 97-3-27, homicide while committing a
20 felony;

21 (f) Section 97-3-29, homicide while committing a
22 misdemeanor;

23 (g) Section 97-3-33, killing a trespasser
24 unnecessarily;

25 (h) Section 97-3-35, killing without malice in the heat
26 of passion;

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

29 (j) Section 97-3-47, all other homicides;
30 (k) Section 97-3-61, poisoning with intent to kill or
31 injure.

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

34 (a) If the conduct results in a miscarriage or
35 stillbirth by that individual, a felony punishable by imprisonment
36 for not more than twenty (20) years or a fine of not more than
37 Seven Thousand Five Hundred Dollars (\$7,500.00), or both.

38 (b) If the conduct results in great bodily harm to the
39 embryo or fetus, a felony punishable by imprisonment for not more
40 than twenty (20) years or a fine of not more than Five Thousand
41 Dollars (\$5,000.00), or both.

42 (c) If the conduct results in serious or aggravated
43 physical injury to the embryo or fetus, a misdemeanor punishable
44 by imprisonment for not more than one (1) year or a fine of not
45 more than One Thousand Dollars (\$1,000.00), or both.

46 (d) If the conduct results in physical injury to the
47 embryo or fetus, a misdemeanor punishable by imprisonment for not
48 more than ninety (90) days or a fine of not more than Five Hundred
49 Dollars (\$500.00), or both.

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

56 **SECTION 2.** This act shall take effect and be in force from
57 and after July 1, 2004.