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Chapter No. 301

11/SS01/R724PS

JN / HS/SG

***SENATE BILL NO. 2615***

Originated in Senate

*Jepato D. Reyes*

Secretary

SENATE BILL NO. 2615

AN ACT TO AMEND SECTION 97-3-37, MISSISSIPPI CODE OF 1972, TO REVISE THE ELEMENTS OF THE OFFENSES OF KILLING OF OR INJURY TO AN UNBORN CHILD; TO REVISE THE PUNISHMENT FOR THE OFFENSE; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Section 97-3-61, poisoning with intent to kill or injure.

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

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

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

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

\* \* \*

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

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

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

PASSED BY THE SENATE  
February 3, 2011

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
February 16, 2011

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

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