



2005 SENATE BILL 721

May 2, 2006 - Introduced by Senators MILLER, RISSER and ERPENBACH, cosponsored by Representatives BERCEAU, KESSLER, RICHARDS, BOYLE, SHILLING, TRAVIS, SINICKI, BLACK, GRIGSBY, SEIDEL, TURNER, YOUNG, POPE-ROBERTS, BENEDICT, POCAN, SHERIDAN, PARISI and WASSERMAN. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT to repeal** 940.04; and **to amend** 939.75 (2) (b) 1. of the statutes; **relating**
2 **to:** eliminating certain laws that prohibit intentional destruction of or
3 consenting to the destruction of the life of an unborn child or unborn quick child
4 and prohibit causing the death of a mother by acting with intent to destroy the
5 life of an unborn child.

Analysis by the Legislative Reference Bureau

Under current law, any person, other than the mother, who intentionally destroys the life of an unborn child is guilty of a Class H felony, for which the penalty is a fine not to exceed \$10,000 or imprisonment not to exceed six years or both. "Unborn child" is defined as a human being from the time of conception until born alive. Any person, other than the mother, who intentionally destroys the life of an unborn quick child or causes the mother's death by an act done with intent to destroy the life of an unborn child is guilty of a Class E felony, for which the penalty is a fine not to exceed \$50,000 or imprisonment not to exceed 15 years or both. Any pregnant woman who intentionally destroys the life of her unborn child or who consents to the destruction by another may be fined not more than \$200 or imprisoned not more than six months or both, but for the same action with respect to an unborn quick child the penalty is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months or both. None of these penalties apply to a therapeutic abortion that is performed by a physician; is necessary, or advised by two other physicians as necessary, to save the life of the mother; and, unless an emergency prevents, is

