

# HOUSE BILL No. 1595

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-41-3-12; IC 35-42-1-6.

**Synopsis:** Feticide. Removes language that the feticide statute does not apply to a pregnant mother whose pregnancy is terminated. Removes language concerning certain situations in which feticide is currently allowed. Repeals a defense to a crime involving the death of or injury to a fetus.

**Effective:** Upon passage.

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January 19, 2023, read first time and referred to Committee on Public Health.

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First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

# HOUSE BILL No. 1595

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-41-3-12 IS REPEALED [EFFECTIVE UPON  
2 PASSAGE]. ~~Sec. 12:~~ (a) It is a defense to any crime involving the  
3 death of or injury to a fetus that the defendant was a pregnant woman  
4 who committed the unlawful act with the intent to terminate her  
5 pregnancy.

6 (b) Except as provided in subsection (c), it is a defense to any crime  
7 involving the death of or injury to a fetus that the mother of the fetus  
8 requested that the defendant terminate her pregnancy, and that the  
9 death or injury to the fetus was the result of the defendant's termination  
10 or attempted termination of her pregnancy.

11 (c) Subsection (b) is not a defense to:  
12 (1) performing an unlawful abortion under IC 16-34-2-7; or  
13 (2) feticide (IC 35-42-1-6).

14 SECTION 2. IC 35-42-1-6, AS AMENDED BY P.L.179-2022(ss),  
15 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 UPON PASSAGE]: Sec. 6. (a) This section does not apply to

17 (1) the pregnant mother whose pregnancy is terminated;



1           (2) a person who in good faith provides medical treatment to a  
2           pregnant woman that results in the accidental or unintentional  
3           termination of the pregnancy. ~~or~~  
4           (3) a physician licensed under ~~IC 25-22.5~~ who, upon the request  
5           of a pregnant woman, performs a medical procedure to terminate  
6           her pregnancy, even if the procedure is not authorized under  
7           ~~IC 16-34-2-1~~.  
8           (b) A person who knowingly or intentionally terminates a human  
9           pregnancy with an intention other than to produce a live birth or to  
10          remove a dead fetus commits feticide, a Level 3 felony.  
11          SECTION 3. [EFFECTIVE UPON PASSAGE] **Notwithstanding**  
12          **IC 1-1-1-8, the provisions of this act are not severable.**  
13          SECTION 4. **An emergency is declared for this act.**

