

By: Hall

S.B. No. 2198

A BILL TO BE ENTITLED

AN ACT

relating to the protection of an unborn child's rights and criminal liability and justification for prohibited conduct.

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

SECTION 1. Section 1.07(a)(26), Penal Code, is amended to read as follows:

(26) "Individual" means a human being who is alive, including an unborn child at every stage of development [~~gestation~~] from fertilization until birth.

SECTION 2. Chapter 1, Penal Code, is amended by adding Section 1.11 to read as follows:

Sec. 1.11. APPLICABILITY OF CODE PROVISIONS TO UNBORN VICTIMS. The provisions of this code apply equally to a violation committed against any victim, regardless of whether the victim is an unborn child or an individual who was born alive.

SECTION 3. Subchapter B, Chapter 9, Penal Code, is amended by adding Section 9.23 to read as follows:

Sec. 9.23. CERTAIN MEDICAL PROCEDURES. Conduct is justified if the conduct charged is a lawful medical procedure:

(1) performed by a licensed physician;

(2) performed on a pregnant female to avert the death of the pregnant female;

(3) that results in the accidental or unintentional death of the unborn child the pregnant female is carrying; and

1 (4) performed when reasonable alternatives to save the
2 life of the unborn child:

3 (A) are unavailable; or

4 (B) were attempted unsuccessfully before the
5 performance of the medical procedure.

6 SECTION 4. The following provisions are repealed:

7 (1) Section 71.003(c), Civil Practice and Remedies
8 Code;

9 (2) Section 19.06, Penal Code; and

10 (3) Section 22.12, Penal Code.

11 SECTION 5. The changes in law made by this Act apply only to
12 conduct that occurs on or after the effective date of this Act.
13 Conduct that occurs before the effective date of this Act is
14 governed by the law in effect immediately before the effective date
15 of this Act, and that law is continued in effect for that purpose.

16 SECTION 6. This Act takes effect September 1, 2023.