

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 170

4
5 By: Senators G. Stubblefield, Rapert, Caldwell, Hickey, B. King, J. English

For An Act To Be Entitled

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7
8 AN ACT TO ESTABLISH THE PREGNANT WOMAN'S PROTECTION
9 ACT; AND FOR OTHER PURPOSES.

Subtitle

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12 AN ACT TO ESTABLISH THE PREGNANT WOMAN'S
13 PROTECTION ACT.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. DO NOT CODIFY. Findings.

20 The General Assembly finds that:

21 (1) Violence and abuse are often higher during pregnancy than during
22 any other period in a woman's lifetime;

23 (2) Women are more likely to suffer increased abuse as a result of
24 unintended pregnancies;

25 (3) Younger women are at a higher risk for pregnancy-associated
26 homicide;

27 (4) A pregnant woman is more likely to be a victim of homicide than to
28 die of any other cause;

29 (5) Homicide and other violent crimes are the leading causes of death
30 for women of reproductive age;

31 (6) Husbands, ex-husbands, or boyfriends are often the perpetrators of
32 pregnancy-associated homicide or violence;

33 (7) Moreover, when husbands, ex-husbands, or boyfriends are involved,
34 the violence is often directed at the unborn child or intended to end or
35 jeopardize the pregnancy;

36 (8) Violence against a pregnant woman puts the life and bodily



1 integrity of both the pregnant woman and the unborn child at risk;

2 (9) According to the Centers for Disease Control and Prevention, every
 3 year in the United States more than three hundred thousand (300,000) pregnant
 4 women experience some kind of violence involving an intimate partner;

5 (10) The Centers for Disease Control and Prevention define domestic
 6 violence during pregnancy as "physical, sexual, or psychological/emotional
 7 violence or threats of physical or sexual violence that are inflicted on a
 8 pregnant woman"; and

9 (11) In a household survey cited in "Battering and Pregnancy"
 10 (Midwifery Today 19:1998), it was found that pregnant women are sixty and six
 11 tenths percent (60.6%) more likely to be beaten than women who are not
 12 pregnant.

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 14 SECTION 2. DO NOT CODIFY. Legislative intent.

15 By passing this act, the General Assembly intends to:

16 (1) Ensure that the affirmative right of a pregnant woman to carry her
 17 child to term is protected;

18 (2) Ensure that defenses to criminal liability provide for a pregnant
 19 woman's right to use physical force including deadly force to protect her
 20 unborn child; and

21 (3) Supplement, but not supersede, the applicability of any other
 22 defenses to criminal liability currently provided in the Arkansas Code.

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 24 SECTION 3. Arkansas Code Title 5, Chapter 2, Subchapter 6 is amended
 25 to add a new section to read as follows:

26 5-2-615. Use of physical force by a pregnant woman in defense of an
 27 unborn child.

28 (a) As used in this section:

29 (1) "Pregnant" means the female reproductive condition of having
 30 an unborn child in the female's body; and

31 (2) "Unborn child" means the offspring of human beings from
 32 conception until birth.

33 (b) A pregnant woman is justified in using physical force or deadly
 34 physical force against another person to protect her unborn child if, under
 35 the circumstances as the pregnant woman reasonably believes them to be, she
 36 would be justified under § 5-2-606 or § 5-2-607 in using physical force or

1 deadly physical force to protect herself against the unlawful physical force
2 or unlawful deadly physical force she reasonably believes to be threatening
3 her unborn child.

4 (c) The justification for using physical force or deadly physical
5 force against another person to protect a pregnant woman's unborn child is
6 not available if:

7 (1) The use of the physical force or deadly physical force for
8 protection was used by a person other than the pregnant woman; or

9 (2)(A) The use of the deadly physical force for protection would
10 not be allowed under § 5-2-607(b).

11 (B) However, the pregnant woman is not obligated to
12 retreat or surrender possession of property as described in § 5-2-607(b)
13 unless the pregnant woman knows she can avoid the necessity of using deadly
14 physical force and simultaneously ensure the complete safety of her unborn
15 child.

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