

House Bill 1204

By: Representatives Powell of the 29th, Byrd of the 20th, and Bearden of the 68th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to feticide, so as to create the offense of feticide by drug ingestion; to provide for
3 definitions; to provide for punishment; to amend Article 2 of Chapter 16 of Title 45 of the
4 Official Code of Georgia Annotated, relating to death investigations, so as to change certain
5 provisions relating to notification of suspicious or unusual deaths; to provide for medical
6 examination of unexpected or unexplained stillbirths; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 6 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
11 feticide, is amended by adding a new Code section to read as follows:

12 "16-5-81.

13 (a) As used in this Code section, the term:

14 (1) 'Drugs' means any dangerous drug, narcotic drug, controlled substance, or marijuana
15 as such terms are defined in Code Section 16-13-21.

16 (2) 'Viable fetus' means a member of the species homo sapiens who is at least 28 weeks
17 in development who is carried in the womb.

18 (b) A person commits the offense of feticide by drug ingestion if he or she willfully and
19 without legal justification solely causes the death of a viable fetus by the ingestion of
20 drugs.

21 (c) A person convicted of the offense of feticide by drug ingestion shall be punished by
22 imprisonment for life.

23 (d) Nothing in this Code section shall be construed to permit the prosecution of:

24 (1) Any person for conduct relating to an abortion for which the consent of the pregnant
25 woman, or person authorized by law to act on her behalf, has been obtained or for which
26 such consent is implied by law; or

1 (2) Any person for any medical treatment of the pregnant woman or her unborn child."

2 **SECTION 2.**

3 Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to
4 death investigations, is amended by revising subsection (a) of Code Section 45-16-24,
5 relating to notification of suspicious or unusual deaths, as follows:

6 "(a) When any person or fetus dies in any county in this state:

7 (1) As a result of violence;

8 (2) By suicide or casualty;

9 (3) Suddenly when in apparent good health;

10 (4) When unattended by a physician;

11 (5) In any suspicious or unusual manner, with particular attention to those persons 16
12 years of age and under;

13 (6) After birth but before seven years of age if the death is unexpected or unexplained;

14 (6.1) Upon birth in any suspicious or unusual manner;

15 (7) As a result of an execution carried out pursuant to the imposition of the death penalty
16 under Article 2 of Chapter 10 of Title 17;

17 (8) When an inmate of a state hospital or a state, county, or city penal institution; or

18 (9) After having been admitted to a hospital in an unconscious state and without
19 regaining consciousness within 24 hours of admission,

20 it shall be the duty of any law enforcement officer or other person having knowledge of
21 such death to notify immediately the coroner or county medical examiner of the county
22 wherein the body is found or death occurs. For the purposes of this Code section, no person
23 shall be deemed to have died unattended when the death occurred while the person was a
24 patient of a hospice licensed under Article 9 of Chapter 7 of Title 31."

25 **SECTION 3.**

26 Said article is further amended by adding a new Code section to read as follows:

27 "45-16-27.2.

28 (a) Where a coroner or county medical examiner has been notified pursuant to paragraph
29 (6.1) of subsection (a) of Code Section 45-16-24 of the death of any fetus upon birth in any
30 suspicious or unusual manner, the medical examiner's inquiry required by Code Section
31 45-16-25 shall include an autopsy unless that inquiry shows that such death was expected
32 or explainable with a reasonable degree of medical certainty.

33 (b) The provisions of this Code section shall apply notwithstanding subsection (c) of Code
34 Section 45-16-22 or any other provision of this article."

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SECTION 4.

2 All laws and parts of laws in conflict with this Act are repealed.