

Senate Bill 210

By: Senator Loudermilk of the 52nd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to  
2 general provisions regarding torts, so as to provide for liability for violations of laws relating  
3 to abortion; to provide for definitions; to provide for the wrongful death of an unborn child;  
4 to provide for immunity under certain circumstances; to provide for witness testimony and  
5 evidence; to provide for related matters; to provide for an effective date and applicability; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
10 provisions regarding torts, is amended by adding a new Code section to read as follows:

11 "51-1-52.

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

13 (1) 'Full value of the life of the unborn child' shall have the same meaning as 'full value  
14 of the life of the decedent as shown by the evidence' in Code Section 51-4-1.

15 (2) 'Homicide' shall have the same meaning as defined in Code Section 51-4-1.

16 (3) 'Unborn child' means a member of species Homo sapiens at any stage of development  
17 who is carried in the womb.

18 (b) Any woman upon whom an abortion is performed in violation of Code Section  
19 15-11-112, 15-11-116, 16-12-140, 31-9A-3, or 31-9A-5 or subsection (b) or (c) of Code  
20 Section 16-12-141 may recover in a civil action from the person who engaged in such  
21 violation all damages available to her under Georgia law for any tort.

22 (c) In every case of the homicide of a unborn child there shall be some party entitled to  
23 recover the full value of the life of the unborn child, either as provided in Chapter 4 of this  
24 title or as provided in paragraphs (1) through (3) and paragraph (6) of subsection (c) of  
25 Code Section 19-7-1 by substituting the word 'unborn' for the word 'child' where it appears  
26 in the referenced paragraphs. In actions for recovery of the full value of the life of the

27 unborn child, the fact that such child was conceived out of wedlock shall be no bar to  
28 recovery.

29 (d) Any woman upon whom an abortion is performed shall not be held liable as a result  
30 of having an abortion or for any violation of Code Section 15-11-112, 15-11-116,  
31 16-12-140, 31-9A-3, or 31-9A-5 or subsection (b) or (c) of Code Section 16-12-141 or for  
32 solicitation or for conspiracy to violate Code Section 15-11-112, 15-11-116, 16-12-140,  
33 31-9A-3, or 31-9A-5 or subsection (b) or (c) of Code Section 16-12-141.

34 (e) Notwithstanding the provisions of Chapter 6 of Title 24, the testimony of a witness or  
35 the ability to introduce evidence shall not be limited or impaired by virtue of any document  
36 the woman upon whom an abortion is performed signed in connection with such abortion."

37 **SECTION 2.**

38 This Act shall become effective upon its approval by the Governor or upon its becoming law  
39 without such approval and shall apply to all causes of action arising on or after the effective  
40 date of this Act.

41 **SECTION 3.**

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