

Senate Bill 210

By: Senator Loudermilk of the 52nd

**AS PASSED SENATE**

**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' shall have the same meaning as provided in Code Section 16-5-80.

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

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

26 referenced paragraphs. In actions for recovery of the full value of the life of the unborn  
27 child, the fact that such child was conceived out of wedlock shall be no bar to recovery.  
28 (d) (1) Any female upon whom an abortion is performed shall not be held liable as a result  
29 of having an abortion or for any violation of Code Section 15-11-112, 15-11-116,  
30 16-12-140, 31-9A-3, or 31-9A-5 or subsection (b) or (c) of Code Section 16-12-141.  
31 (2) Any female who solicits or conspires to solicit an abortion who makes a false  
32 representation of her age or name shall not have standing to state a claim against any  
33 party pursuant to this Code section."

34 **SECTION 2.**

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

38 **SECTION 3.**

39 All laws and parts of laws in conflict with this Act are repealed.