

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S2/5/13

A Bill

SENATE BILL 170

5 By: Senators G. Stubblefield, Rapert, Caldwell, Hickey, B. King, J. English
6 By: Representatives *Ballinger, Magie*
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE PREGNANT WOMAN'S PROTECTION
10 ACT; AND FOR OTHER PURPOSES.
11

Subtitle

14 AN ACT TO ESTABLISH THE PREGNANT WOMAN'S
15 PROTECTION ACT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. DO NOT CODIFY. Findings.

21 The General Assembly finds that:

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

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

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

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

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

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

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



1 (8) Violence against a pregnant woman puts the life and bodily
2 integrity of both the pregnant woman and the unborn child at risk;

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

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

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

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15 SECTION 2. DO NOT CODIFY. Legislative intent.

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

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

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

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

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

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

29 (a) As used in this section:

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

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

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

1 would be justified under § 5-2-606 or § 5-2-607 in using physical force or
2 deadly physical force to protect herself against the unlawful physical force
3 or unlawful deadly physical force she reasonably believes to be threatening
4 her unborn child.

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

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

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

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

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18 */s/G. Stubblefield*
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