

House Bill 795

By: Representatives Davis of the 87<sup>th</sup>, Schofield of the 63<sup>rd</sup>, Scott of the 76<sup>th</sup>, Kendrick of the 95<sup>th</sup>, and Roberts of the 52<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-12-140 of the Official Code of Georgia Annotated, relating to  
2 criminal abortion, so as to enact the "immaculate conception" clause; to provide for equal  
3 application and penalties; to provide for related matters; to repeal conflicting laws; and for  
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 16-12-140 of the Official Code of Georgia Annotated, relating to criminal  
8 abortion, is revised by adding a new subsection to read as follows:

9 "16-12-140.

10 (a) A person commits the offense of criminal abortion when, in violation of Code Section  
11 16-12-141, he or she administers any medicine, drugs, or other substance whatever to any  
12 woman or when he or she uses any instrument or other means whatever upon any woman  
13 with intent to produce a miscarriage or abortion.

14 (b) A person convicted of the offense of criminal abortion shall be punished by  
15 imprisonment for not less than one nor more than ten years.

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16 (c) On June 24, 2022, the United States Supreme Court overturned a 50 year precedent set  
17 by *Roe v. Wade*, 410 U.S. 113 (1973). To uphold the Constitution of the United States, a  
18 prospective father of an unborn fetus shall receive the same penalties as the woman who  
19 is the prospective mother of the unborn fetus unless it is medically proven that the woman  
20 conceived the unborn fetus solely by 'immaculate conception.'"

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.