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3 HB88 HOUSE JUDICIARY COMMITTEE ENGROSSED SUBSTITUTE

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 To amend Section 13A-6-1 of the Code of Alabama
14 1975, relating to the definition of person for the purpose of
15 criminal homicide or assaults; to define person to include an
16 unborn child; to provide that this act shall not be
17 interpreted to affect legal abortions or to otherwise make
18 abortion legal; to provide that this act shall not apply to a
19 victim of domestic violence or sexual assault; to name the
20 bill the "Brody Act" in memory of the unborn son of Brandy
21 Parker, whose death occurred when she was eight and one-half
22 months pregnant; to provide that this act shall not subject a
23 licensed physician or other health care provider or his or her
24 employee or agent to criminal liability for mistakes or
25 unintentional error and in connection therewith would have as
26 its purpose or effect the requirement of a new or increased

1 expenditure of local funds within the meaning of Amendment 621
2 of the Constitution of Alabama of 1901.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 13A-6-1 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§13A-6-1.

7 "(a) As used in Article 1 and Article 2, the ~~The~~
8 following terms shall have the meanings ascribed to them by
9 this section:

10 "~~(3)~~ (1) CRIMINAL HOMICIDE. Murder, manslaughter, or
11 criminally negligent homicide.

12 "~~(1)~~ (2) HOMICIDE. A person commits criminal
13 homicide if he intentionally, knowingly, recklessly or with
14 criminal negligence causes the death of another person.

15 "~~(2)~~ (3) PERSON. ~~Such~~ The term, when referring to
16 the victim of a criminal homicide or assault, means a human
17 being ~~who had been born and was alive at the time of the~~
18 homicidal act, including an unborn child at every stage of
19 gestation in utero from conception to birth, regardless of
20 viability.

21 "(b) Article 1 or Article 2 shall not apply to the
22 death or injury to an unborn child alleged to be caused by any
23 reasonably necessary medical care or treatment provided to a
24 pregnant woman when performed by a physician or other licensed
25 health care provider which conforms to generally accepted
26 standards of medical care. *Mistake, or unintentional error, or*
27 *negligence on the part of a licensed physician or other*

1 licensed health care provider or his or her employee or agent
2 shall not subject the licensed physician or other licensed
3 health care provider to any criminal liability under this
4 section for the death of an unborn child, regardless of
5 viability. Medical care or treatment includes, but is not
6 limited to, ordering, dispensation or administration of
7 prescribed medications and medical procedures."

8 (c) A victim of domestic violence or sexual assault
9 may not be charged under Article 1 or Article 2 for the injury
10 or death of an unborn child caused by a crime of domestic
11 violence or rape perpetrated upon her.

12 Section 2. Nothing in this act shall make it a crime
13 to perform or obtain an abortion that is otherwise legal.
14 Nothing in this act shall be construed to make an abortion
15 legal which is not otherwise authorized by law.

16 Section 3. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621 because the
20 bill defines a new crime or amends the definition of an
21 existing crime.

22 Section 4. This act shall be known as the "Brody
23 Act," in memory of the unborn son of Brandy Parker, ~~who was~~
24 ~~murdered~~ whose death occurred when she was eight and one-half
25 months pregnant.

1 Section 5. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.