



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1174 Sponsored by Representative Womack

Subtitle TO ADD PROTECTIONS FOR UNBORN CHILDREN BY ALLOWING PROSECUTION WHEN A PERSON CAUSES THE DEATH OF AN UNBORN CHILD; TO REPEAL PROVISIONS THAT MAY ALLOW A PERSON TO PRESSURE A PREGNANT WOMAN TO GET AN ABORTION; TO DECLARE AN EMERGENCY.

Impact Summary¹ Cannot be determined. Available data does not indicate the likely number of new convictions under the proposed bill.

Change from Current Law² Amends Arkansas Code Annotated § 5-1-102, Definitions. Current law includes “unborn child” within the definition of “person” in various provisions of Title 5 relating to the death of a person and provides for criminal liability beginning at conception. Under the proposed bill, A.C.A. § 5-1-102(13)(B) is amended to define “Unborn child” as offspring of human beings from *fertilization* until birth. “*Fertilization*” means the fusion of a human spermatozoon with a human ovum.

The proposed bill further amends A.C.A. § 5-1-102(13)(B) to remove existing exceptions to prosecution and adds specific exceptions to prosecution for a *lawful medical procedure*. [New language indicated by *italics*. See bill for complete list of exemptions.] The proposed bill also amends a provision in Title 16 concerning civil remedies related to the death of an unborn child as defined in A.C.A. § 5-1-102.

Impact Information The proposed bill amends the definition of “unborn child” as included within the definition of “person” and provides a new list of specific exemptions to prosecution in various provisions of Title 5. Available data on the convictions and incarceration for various courses of conduct resulting in the death of a person does not discern if the person is an unborn child. For this reason, the projected impact of the proposed bill on correctional resources cannot be determined.

¹ This impact assessment was prepared 2/1/2023 1:36 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors

Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500