**A** **BILL**

TO AMEND ARTICLE 6, CHAPTER 11, TITLE 16 OF THE 1976 CODE, RELATING TO PROTECTION OF PERSONS AND PROPERTY, TO ENACT THE “PREGNANT WOMEN’S PROTECTION ACT”, BY ADDING SECTION 16‑11‑441, TO DEFINE NECESSARY TERMS, AND TO PROVIDE THAT A PREGNANT WOMAN IS JUSTIFIED IN USING PHYSICAL FORCE OR DEADLY PHYSICAL FORCE AGAINST ANOTHER PERSON TO PROTECT HER UNBORN CHILD IF, UNDER THE CIRCUMSTANCES, SHE HAS A REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR GREAT BODILY INJURY TO HERSELF OR HER UNBORN CHILD.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Pregnant Women’s Protection Act”.

SECTION 2. The South Carolina General Assembly finds that:

(1) Violence and abuse are often higher during pregnancy than during any other period in a woman’s lifetime.

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

(3) Younger women are at a higher risk for pregnancy‑associated homicide.

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

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

(6) Husbands, ex‑husbands, or boyfriends are often the perpetrators of pregnancy‑associated homicide or violence.

(7) When husbands, ex‑husbands, or boyfriends are involved, the violence is often directed at the unborn child or intended to end or jeopardize the pregnancy.

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

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

(10) The Centers for Disease Control and Prevention define domestic violence during pregnancy as “physical, sexual, or psychological/emotional violence or threats of physical or sexual violence that are inflicted on a pregnant woman”.

(11) In a household survey cited in “Battering and Pregnancy” (Midwifery Today 19:1998), it was found that pregnant women are 60.6% more likely to be beaten than women who are not pregnant.

SECTION 3. Article 6, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16‑11‑441. (A) As used in this section:

(1) ‘Pregnant’ means the female reproductive condition of having an unborn child in the female’s body.

(2) ‘Unborn child’ means the offspring of human beings from conception until birth.

(B) A pregnant woman is justified in using physical force or deadly physical force against another person to protect her unborn child if, under the circumstances, she has a reasonable fear of imminent peril of death or great bodily injury to herself or her unborn child.”

SECTION 4. This act takes effect upon approval by the Governor.

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