

Amendment No. \_\_\_\_\_

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

**AMEND Senate Bill No. 738**

**House Bill No. 570\***

by deleting all language after the caption and substituting:

WHEREAS, the Fourteenth Amendment to the Constitution of the United States does not allow for a state to deny any person within its jurisdiction the equal protection of the laws; and

WHEREAS, innocent human life, created in the image of God, should be equally protected under the laws from fertilization to natural death; and

WHEREAS, to ensure the right to life and equal protection of the laws, all preborn children should be protected with the same criminal and civil laws protecting the lives of born persons by repealing provisions that permit prenatal homicide and assault; and

WHEREAS, all persons potentially subject to such laws are entitled to due process protections; and

WHEREAS, to protect pregnant mothers from being pressured to abort their children, provisions should be repealed that may allow a person to solicit, direct, aid, or attempt to aid a mother to abort her child; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 20-5-106(d), is amended by deleting the language "gestation in utero" and substituting "development".

SECTION 2. Tennessee Code Annotated, Section 39-13-107(a), is amended by deleting the language "gestation in utero" and substituting "development".

SECTION 3. Tennessee Code Annotated, Section 39-13-107, is amended by deleting subsection (c) and substituting:



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(c)

(1) Enforcement pursuant to this section is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the assault of a person who had been born alive.

(2) This part does not apply to the unintentional death of an unborn child when resulting from:

(A) The undertaking of life-saving procedures to save the life of a mother when accompanied by reasonable steps, if available, to save the life of the unborn child; or

(B) A spontaneous miscarriage.

SECTION 4. Tennessee Code Annotated, Section 39-13-107, is amended by adding the following as new subsections:

(d) Notwithstanding § 39-15-213 or any other provision of law, the provisions of this section are in addition to any other provisions relating to the assault of an unborn child, and this section prevails over any other law to the extent of any conflict.

(e) In accordance with Article I, § 11 of the Constitution of Tennessee, and Article I, § 9 of the Constitution of the United States, a woman involved in the assault of her unborn child before the effective date of this act must not be prosecuted under this section. This section is prospective only and does not apply to any act committed prior to the effective date of this act. For purposes of this section, an act occurred before the effective date of this act if any element of the act occurred before that date.

SECTION 5. Tennessee Code Annotated, Section 39-13-214(a), is amended by deleting the language "gestation in utero" and substituting "development".

SECTION 6. Tennessee Code Annotated, Section 39-13-214, is amended by deleting subsection (c) and substituting:

(c)

(1) Enforcement pursuant to this section is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the homicide of a person who had been born alive.

(2) This part does not apply to the unintentional death of an unborn child when resulting from:

(A) The undertaking of life-saving procedures to save the life of a mother when accompanied by reasonable steps, if available, to save the life of the unborn child; or

(B) A spontaneous miscarriage.

SECTION 7. Tennessee Code Annotated, Section 39-13-214, is amended by adding the following as new subsections:

(d) Notwithstanding § 39-15-213 or any other provision of law, the provisions of this section are in addition to any other provisions relating to the homicide of an unborn child, and this section prevails over any other law to the extent of any conflict.

(e) In accordance with Article I, § 11 of the Constitution of Tennessee, and Article I, § 9 of the Constitution of the United States, a woman involved in the homicide of her own unborn child before the effective date of this act must not be prosecuted under this section. This section is prospective only and does not apply to any act committed prior to the effective date of this act. For purposes of this section, an act occurred before the effective date of this act if any element of the act occurred before that date.

SECTION 8. This act takes effect July 1, 2026, the public welfare requiring it.