

 KENTUCKY YMCA YOUTH ASSOCIATION KENTUCKY YOUTH ASSEMBLY Legislative Bill	Red Bill # HB 31						
	Referred to Committee: House 3						
Authors: Dani Johson, Sydney Stone, Jonna Watkins, Shelby Watkins	Action on the Bill <table> <tr> <td>House</td> <td>Senate</td> </tr> <tr> <td>___ <input type="checkbox"/> Passed</td> <td>___ <input type="checkbox"/> Passed</td> </tr> <tr> <td>___ <input type="checkbox"/> Defeated</td> <td>___ <input type="checkbox"/> Defeated</td> </tr> </table>	House	Senate	___ <input type="checkbox"/> Passed	___ <input type="checkbox"/> Passed	___ <input type="checkbox"/> Defeated	___ <input type="checkbox"/> Defeated
House		Senate					
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School: Nicholas County High School							
City: Carlisle							

1 An act to charge mothers with fetal homicide when gestational drug abuse causes infant death.

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3 **Be it enacted by the Youth Assembly of the Commonwealth of Kentucky**

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5 Section 1: Kentucky law defines an "unborn child" as a member of the species Homo sapiens in utero from
6 conception onward, without regard to age, health or condition of dependency. The laws define fetal homicide
7 in the first, second, third, and fourth degrees. These laws do not apply to acts performed during any abortion
8 for which the consent of the pregnant woman has been obtained or for which the consent is implied by law
9 in a medical emergency.

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11 Section 2: KRS Chapter 507A00.050 - "A person is guilty of fetal homicide in the fourth degree when, with
12 recklessness, he causes the death of an unborn child."
13 With Kentucky laws in mind, any woman who uses drugs in any way while pregnant should be charged with
14 fetal homicide if that unborn baby dies as a direct result of drug abuse by the mother. Reckless, by definition,
15 means having or showing no regard for danger or consequences. Taking drugs while pregnant is a reckless
16 behavior because there are consequences to that action, which could result in infant death.

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18 Abortion is legal in the state of Kentucky. If a woman wants to terminate her pregnancy, she has the choice
19 to go to a clinic and have an abortion. Taking drugs and inflicting harm upon a fetus while in utero to cause
20 miscarriage should be deemed homicide if it does cause death because the woman did not choose to end her
21 pregnancy legally by the state of Kentucky, which must take place during a certified abortion.

22
23 Section 3: Every pregnant woman has urine samples taken at every appointment with a doctor and drug
24 tests are done each time. This is standard procedure. There would be significant evidence to prove the abuse
25 of drugs during the length of the pregnancy. When a miscarriage/fetal death occurs, if there is history of
26 drug use during pregnancy or the doctor suspects drug use, those women would be medically tested for
27 cause of miscarriage. If it is medically proven the cause of death is drug abuse, the mother would be charged
28 with fourth degree fetal homicide.

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30 Section 4: Court fees and any other monetary obligations would be the responsibility of the accused and
31 penalties can include incarceration, at the discretion of the court. This is the customary procedure in the
32 state of Kentucky.

33
34 Any medical fees accrued can be charged to insurance when the accused has insurance. If they do not, any
35 testing done would be a medical bill for the accused, as in any other medical situation.