



House Judiciary Subcommittee  
Iowa Legislature  
Des Moines, Iowa  
RE: House Study Bill 621 – Fetal Homicide

February 6, 2024

Dear Chair Wheeler and Members of the Subcommittee,

My name is Bradley N. Kehr, and I serve as Government Affairs Director at Americans United for Life (“AUL”). Established in 1971, AUL is a national law and policy nonprofit organization with a specialization in abortion, end-of-life issues, and bioethics law. AUL publishes pro-life model legislation and policy guides on protecting the rights of conscience in healthcare and prohibiting taxpayer funding for abortion for government programs,<sup>1</sup> tracks state bioethics legislation,<sup>2</sup> and regularly testifies on pro-life legislation in Congress and the states. In 1980, AUL attorneys successfully defended the Hyde Amendment before the U.S. Supreme Court in *Harris v. McRae*.<sup>3</sup> Our vision at AUL is to strive for a world where everyone is welcomed in life and protected in law.

Thank you for taking up House Study Bill 621, an act relating to the nonconsensual causing of death of, or serious injury to, an unborn person, also known as a fetal homicide bill. HSB 621 provides that unborn children, at every stage of gestation, are protected by Iowa criminal laws prohibiting murder, manslaughter, negligent homicide, vehicular homicide, assault, and vehicular assault. In other words, HSB 621 provides that when violence or criminal negligence causes the death of an unborn child, the perpetrator will be held responsible for that death, unless the perpetrator falls under a well-defined exception.

Tragically, Iowa lags behind most states in this area of crime victims' protection. Forty (40) states now provide varying degrees of protection and justice for pregnant women and their unborn children who are victims of violence. Importantly, twenty-nine (29) states provide protection for unborn children at any stage of gestation. Iowa needs a law acknowledging that when a woman's pregnancy is “unlawfully terminated,” she and all of society lose a child, a person with intrinsic value, for which there should be a remedy and justice under the criminal law.

---

<sup>1</sup> *Pro-Life Model Legislation and Guides*, AMS. UNITED FOR LIFE, <https://aul.org/law-and-policy/> (last visited Mar. 4, 2023).

<sup>2</sup> *Defending Life: State Legislation Tracker*, AMS. UNITED FOR LIFE, <https://aul.org/law-and-policy/state-legislation-tracker/> (last visited Mar. 4, 2023).

<sup>3</sup> 448 U.S. 297 (1980).

The federal "Unborn Victims of Violence Act," enacted in April 2004, is limited and does not provide a remedy under Iowa criminal law because it applies only to unborn children injured or killed during the course of specified federal crimes of violence. It does not reach many state crimes of violence committed against pregnant women and their unborn children – crimes which are most commonly prosecutable only under state criminal laws. These crimes cannot be adequately prosecuted in the State of Iowa. By failing to include unborn children from its criminal statutes, Iowa denies protection to and justice for unborn children and by implication their extended families.

Finally, Iowa has a clear interest in protecting the life of the unborn child. The Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*,<sup>4</sup> which returned the abortion issue to the democratic process, acknowledges that states have legitimate governmental interests in acting to preserve prenatal life, to mitigate fetal pain, to prohibit barbaric medical procedures, to preserve the integrity of the medical profession, and prevent discrimination on the basis of race, sex, or disability.<sup>5</sup> A state's action to protect the unborn against criminal violence is a clear exercise of that interest.

HSB 621 is also consistent with the public policy of Iowa where unborn children have been granted legal recognition and rights in contexts outside of the criminal law. For example, the rights of unborn children are recognized in tort law such as for prenatal injuries and wrongful death; and in probate law where an unborn child may inherit from a mother who dies intestate.

HSB 621 is a constitutionally sound bill to ensure that unborn victims of violence and their families receive the justice they deserve. This bill will bring Iowa criminal law in line with the large majority of states which recognize the rights of unborn children in the criminal context as well as other areas of law. Accordingly, I strongly urge you to vote to pass HSB 621.

Respectfully,



Bradley N. Kehr, J.D.  
Government Affairs Director  
AMERICANS UNITED FOR LIFE

---

<sup>4</sup> *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022).

<sup>5</sup> *Id.*