



# LEGISLATIVE ALERT

## Fetal Homicide / Fetal Harms Legislation Vote NO on HB 3495/SB 3699

Lawmakers have launched yet another assault on reproductive freedom with the introduction of laws that treat fetuses as independent victims of criminal acts. Such “fetal harms” or “fetal homicide” legislation purports to address violence against a pregnant woman that results in harm to or the death of her fetus. However, rather than address the additional, tragic injury to the woman when violent crime harms her pregnancy – an approach the ACLU does not oppose – these laws treat the fetus as an independent victim, with legal rights distinct from the woman harmed by criminal conduct.

**What HB 3495/SB 3699 would do:** Remove the requirement that a fetus must be viable in order for it to be considered a victim during an assault or homicide of a pregnant woman.

### **ACLU-TN opposes HB 3495 and SB 3699 because:**

**The purpose of this legislation is not to protect women from violence.** The leading cause of death for pregnant women is murder. To protect women from abuse and violence, lawmakers must increase support for domestic violence prevention programs. This current legislation will not stop violence against women; instead, it will chip away at the legal foundation of a woman’s right to choose abortion.

**People who commit these heinous crimes can and should be punished. Penalty enhancements properly punish injuries to a pregnant woman without undermining reproductive freedom.** We fully support the *proper* punishment of violence against pregnant women that harms or kills their fetuses. Instead of creating a separate offense, the law should increase the penalty when a criminal act results in harm not only to a pregnant woman, but to her pregnancy. Such penalty enhancements focus the criminal law where it should be: on the additional, often devastating injury suffered by the woman when a crime harms or kills her fetus.

**What you can do:** Call your state senator and house representative and ask them to Vote NO on SB440/HB969. The easiest way to contact your legislators is to visit <http://www.capitol.tn.gov>, go to “Find My Legislator,” put in your address and click “search.”