

# HOUSE BILL NO. 4671

June 25, 2025, Introduced by Rep. Schriver and referred to Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding sections 89a and 322a; and to  
repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 89a. (1) This section and section 322a may be referred to
- 2       as the "justice for babies in the womb act".
- 3       (2) This chapter and all definitions of assault or assault and
- 4       battery as defined at common law apply to the injury of an unborn
- 5       child in the same manner as they would if the victim were an
- 6       individual who had been born alive.

1           (3) The unintentional injury of an unborn child must not be  
2 construed to violate this chapter if the injury results from any of  
3 the following:

4           (a) The undertaking of a life-saving procedure to save the life  
5 of the mother if accompanied by reasonable steps to save the life  
6 of the unborn child.

7           (b) A procedure performed with the intent to save the life or  
8 preserve the health of an unborn child.

9           (c) A spontaneous miscarriage.

10          (4) Enforcement relating to this section is subject to the  
11 same legal principles as would apply if the victim were an  
12 individual who had been born alive, including the same legal  
13 presumptions, defenses, justifications, laws of parties,  
14 immunities, and clemencies.

15          (5) The provisions of this section are in addition to any  
16 other provisions relating to the injury of an unborn child, and  
17 this section prevails over other law to the extent of a conflict.

18          (6) As used in this section:

19           (a) "Spontaneous miscarriage" means the natural or accidental  
20 termination of pregnancy.

21           (b) "Unborn child" means a living human being before birth  
22 from the beginning of biological development at the moment of  
23 fertilization upon the fusion of a human spermatozoon with a human  
24 ovum.

25          Sec. 322a. (1) This section and section 89a may be referred to  
26 as the "justice for babies in the womb act".

27          (2) This chapter and all definitions of homicide as defined at  
28 common law apply to the death of an unborn child in the same manner  
29 as they would apply if the victim were an individual who had been

1 born alive.

2 (3) The unintentional death of an unborn child must not be  
3 construed to violate this chapter if the death resulted from any of  
4 the following:

5 (a) The undertaking of a life-saving procedure to save the life  
6 of the mother if accompanied by reasonable steps to save the life  
7 of the unborn child.

8 (b) A procedure performed with the intent to save the life or  
9 preserve the health of an unborn child.

10 (c) A spontaneous miscarriage.

11 (4) Enforcement relating to this section is subject to the  
12 same legal principles as would apply if the victim were an  
13 individual who had been born alive, including the same legal  
14 presumptions, defenses, justifications, laws of parties,  
15 immunities, and clemencies.

16 (5) The common law defense of duress is a valid defense to a  
17 prosecution under this chapter if the victim is an unborn child and  
18 the defendant is the child's mother if the elements of duress  
19 otherwise exist.

20 (6) The provisions of this section are in addition to any  
21 other provisions relating to the killing of an unborn child, and  
22 this section prevails over other law to the extent of a conflict.

23 (7) As used in this section:

24 (a) "Spontaneous miscarriage" means the natural or accidental  
25 termination of pregnancy.

26 (b) "Unborn child" means a living human being before birth  
27 from the beginning of biological development at the moment of  
28 fertilization upon the fusion of a human spermatozoon with a human  
29 ovum.

**1** Enacting section 1. Section 322 of the Michigan penal code,  
**2** 1931 PA 328, MCL 750.322, is repealed.