

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 2903.24 and 2903.241 of the Revised Code be enacted to read as follows:

Sec. 2903.24. (A) This section and section 2903.241 of the Revised Code shall be known as the "Ohio Prenatal Equal Protection Act."

(B) The intent of the Ohio Prenatal Equal Protection Act is as follows:

(1) To acknowledge the sanctity of innocent human life, created in the image of God, which should be equally protected from the beginning of biological development to natural death;

(2) To acknowledge the Constitution of the United States as overriding anything in the constitution of this state contrary to it, as it provides, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof...shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Art. VI, Clause 2;

(3) To follow the Constitution of the United States, which requires that "[n]o state...shall deny to any person within its jurisdiction the equal protection of the laws";

(4) To fulfill that constitutional requirement by protecting the lives of preborn persons with the same criminal and civil laws protecting the lives of born persons by repealing provisions that permit willful prenatal homicide or assault;

(5) To protect pregnant mothers from being pressured to abort by repealing provisions that may otherwise allow a person to direct, advise, encourage, or solicit a mother to abort her child;

(6) To ensure that all persons potentially subject to such laws are entitled to due process protections;

(7) Therefore, to entirely abolish abortion in this state.

Sec. 2903.241. (A) Notwithstanding section 2901.01 of the Revised Code or any other provision of law, in this chapter the terms "person" or "another" shall include an individual living human child before birth from the beginning of biological development at the moment of fertilization upon the fusion of a human spermatozoon with a human ovum.

(B) Enforcement pursuant to this section is subject to the same presumptions, defenses, justifications, immunities, clemencies, and other due process protections that would apply to the homicide or assault of a person who had been born alive.

(C) Nothing in this chapter shall apply to the unintentional death of an unborn child when such death results from:

(1) the undertaking of life-saving procedures on a pregnant woman when such procedures are accompanied by reasonable steps, if available, to save the life of her unborn child; or

(2) a spontaneous miscarriage.

(D) The common law defense of duress is a valid defense to homicide where the victim is an unborn child and the defendant is the child's mother if the defendant is the object of the threat and the elements of duress otherwise exist.

(E) This section applies only to conduct that occurs on or after the effective date of this section. Conduct that occurs before the effective date of this section is governed by the law in effect immediately before the effective date of this section, and that law is continued in effect for that purpose.

(F) The provisions of this section shall be in addition to any other provisions relating to the death or injury of an unborn child, and this section prevails over other law to the extent of any conflict.