**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3537**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Harris, Magnuson, Chumley, Burns, Long, Beach, Huff, Rankin, Sanders and Frank

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Introduced in the House on January 14, 2025

Currently residing in the House

Summary: South Carolina Prenatal Equal Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2024 House Prefiled

12/5/2024 House Referred to Committee on **Judiciary**

1/14/2025 House Introduced and read first time ([House Journal‑page 238](h:\hj\20250114.docx))

1/14/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 238](h:\hj\20250114.docx))

1/15/2025 House Member(s) request name added as sponsor: Huff

2/5/2025 House Member(s) request name added as sponsor: Rankin

2/11/2025 House Member(s) request name added as sponsor: Sanders

2/12/2025 House Member(s) request name added as sponsor: Frank

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3537_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SOUTH CAROLINA PRENATAL EQUAL PROTECTION ACT” BY ADDING SECTIONS 16‑3‑6, 16‑3‑105, 16‑3‑106, 16‑3‑107, AND 16‑3‑108 SO AS TO DEFINE “PERSON” TO INCLUDE AN UNBORN CHILD AT ANY STAGE OF DEVELOPMENT, AND TO ENSURE THAT AN UNBORN CHILD WHO IS A VICTIM OF HOMICIDE IS AFFORDED EQUAL PROTECTION UNDER THE HOMICIDE LAWS OF THE STATE, WITH EXCEPTIONS; BY ADDING SECTIONS 16‑3‑760, 16‑3‑761, 16‑3‑762, AND 16‑3‑763 SO AS TO DEFINE “PERSON” TO INCLUDE AN UNBORN CHILD AT ANY STAGE OF DEVELOPMENT AND TO ENSURE THAT AN UNBORN CHILD WHO IS A VICTIM OF ASSAULT IS AFFORDED EQUAL PROTECTION UNDER THE ASSAULT LAWS OF THE STATE, WITH EXCEPTIONS; AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “South Carolina Prenatal Equal Protection Act.”

SECTION 2. The General Assembly finds the following:

Acknowledging the sanctity of innocent human life, created in the image of God, the purpose of this act is:

(1) to follow the Constitution of the United States, which requires in the Fourteenth Amendment that “no state shall... deny to any person within its jurisdiction the equal protection of the laws”;

(2) to follow the South Carolina Constitution, which requires in Section 3, Article 1 that no person “shall be denied the equal protection of the laws”;

(3) to protect the lives of preborn persons with the same criminal and civil laws protecting the lives of born persons by removing provisions that enable the commission of wilful prenatal homicide and assault;

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

(5) to remove provisions that could be interpreted to allow a person to pressure a pregnant mother to abort her child; and, therefore

(6) to secure the right to life and equal protection of the laws to all preborn children from the moment of fertilization and to protect pregnant mothers.

SECTION 3.A. Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16‑3‑6. (A) As used in this article, “fertilization” means the fusion of a human spermatozoon with a human ovum.

(B) As used in this article, “person” includes an unborn child at every stage of development from fertilization until birth.

(C) As used in this article, “spontaneous miscarriage” means the natural or accidental termination of pregnancy and the expulsion of the unborn child.

B. Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16‑3‑105. Where the victim is an unborn child and the defendant is the child’s mother, it is a defense to prosecution under this article that the mother engaged in the proscribed conduct because she was compelled to do so by the threat of imminent death or great bodily injury.

Section 16‑3‑106. In a prosecution under this article where the victim is an unborn child, unless specifically provided otherwise:

(1) enforcement is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the homicide of a person who had been born alive;

(2) solicitors and the Attorney General shall have concurrent authority to prosecute criminal cases and to perform any duty that necessarily relates to such prosecution; and

(3) this article prevails over other law to the extent of any conflict.

Section 16‑3‑107. (A) This article shall not apply to the unintentional death of an unborn child when resulting from:

(1) the undertaking of life‑saving procedures to save the life of a mother when accompanied by reasonable steps, if available, to save the life of her unborn child; or

(2) a spontaneous miscarriage.

(B) Mistake or unintentional error on the part of a licensed physician or other licensed healthcare provider or his or her employee or agent or any person acting on behalf of the patient shall not subject the licensed physician or other licensed healthcare provider or person acting on behalf of the patient to any criminal liability under this article.

Section 16‑3‑108. Any person may be compelled to testify in any action or prosecution initiated pursuant to this article where the victim is an unborn child; provided, however, that such testimony shall not be admissible in any civil or criminal action against such witness and such witness shall forever be exempt from any prosecution for the act concerning which the witness testifies except a prosecution for perjury.

SECTION 4. Article 7, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16‑3‑760. (A) As used in this article, “fertilization” means the fusion of a human spermatozoon with a human ovum.

(B) As used in this article, “person” includes an unborn child at every stage of development from fertilization until birth.

(C) As used in this article, “spontaneous miscarriage” means the natural or accidental termination of pregnancy and the expulsion of the unborn child.

Section 16‑3‑761. Where the victim is an unborn child and the defendant is the child’s mother, it is a defense to prosecution under this article that the mother engaged in the proscribed conduct because she was compelled to do so by the threat of imminent death or great bodily injury.

Section 16‑3‑762. In a prosecution under this article where the victim is an unborn child, unless specifically provided otherwise:

(1) enforcement is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the homicide of a person who had been born alive;

(2) solicitors and the Attorney General shall have concurrent authority to prosecute criminal cases and to perform any duty that necessarily relates to such prosecution; and

(3) this article prevails over other law to the extent of any conflict.

Section 16‑3‑763. (A) This article shall not apply to the unintentional death of an unborn child when resulting from:

(1) the undertaking of life‑saving procedures to save the life of a mother when accompanied by reasonable steps, if available, to save the life of her unborn child; or

(2) a spontaneous miscarriage.

(B) Mistake or unintentional error on the part of a licensed physician or other licensed healthcare provider or his or her employee or agent or any person acting on behalf of the patient shall not subject the licensed physician or other licensed healthcare provider or person acting on behalf of the patient to any criminal liability under this article.

Section 16‑3‑764. Any person may be compelled to testify in any action or prosecution initiated pursuant to this article where the victim is an unborn child; provided, however, that such testimony shall not be admissible in any civil or criminal action against such witness and such witness shall forever be exempt from any prosecution for the act concerning which the witness testifies except a prosecution for perjury.

SECTION 5. In accordance with Section 4, Article 1 of the South Carolina Constitution, and Clause 3, Section 9, Article 1 of the Constitution of the United States, this act is prospective only and shall not apply to conduct committed prior to the effective date of this act.

SECTION 6. Section 16‑3‑1083, Chapter 41, Title 44, and any other existing provisions relating to prenatal homicide or assault or regulating abortion or abortion facilities are not repealed but are superseded to the extent that such provisions may conflict with or may be inconsistent with this act.

SECTION 7. This act takes effect upon approval by the Governor.

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