



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3572

Introduced 2/5/2026, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-0.5 new
720 ILCS 5/12-0.5 new
720 ILCS 5/9-1.2 rep.
720 ILCS 5/9-2.1 rep.
720 ILCS 5/9-3.2 rep.
720 ILCS 5/12-3.1 rep.
740 ILCS 180/1
740 ILCS 180/2.2 rep.

from Ch. 70, par. 1

Provides that the Act may be referred to as the Abolish Abortion Illinois Act. Amends the Criminal Code of 2012. Includes in the Homicide Article and the Assault and Battery Subdivision of the Code definitions that define "person", "individual", and "another" as any living human being, including a preborn child at any stage of biological development, from fertilization until natural death. Provides that these definitions do not 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) spontaneous miscarriage. Provides that enforcement when the victim is an unborn child is subject to the same presumptions, defenses, justifications, immunities, and clemencies as would apply to the homicide of a human being who had been born alive. Provides that the provisions of the Article and Subdivision are in addition to any other provisions relating to the death of an unborn child and supersede any other provisions relating to the death of an unborn child to the extent that those provisions are in conflict with or are inconsistent with the provisions of the Article and Subdivision. Eliminates various offenses as conforming changes. Amends the Wrongful Death Act. Defines "person" to include an unborn child. Defines "unborn child" and "fertilization". Makes other changes. Provides that the Act is prospective. Contains a severability provision. Effective immediately.

LRB104 18824 RLC 32269 b

1 AN ACT concerning abortion.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be referred to as the
5 Abolish Abortion Illinois Act.

6 Section 5. The General Assembly finds that:

7 (1) Section 1 of Article I of the Illinois
8 Constitution recognizes that all persons possess inherent
9 and inalienable rights, including life.

10 (2) Section 2 of Article I of the Illinois
11 Constitution provides that no person shall be deprived of
12 life without due process of law nor be denied the equal
13 protection of the laws.

14 (3) These provisions declaring an inalienable right to
15 life, due process, and equal protection of the laws have
16 been turned on their head by the erroneous interpretation
17 of the Supreme Court of this State, which held in *Hope*
18 *Clinic for Women, Ltd. v. Flores*, 2013 IL 112673, 66-73,
19 991 N.E.2d 745 that the due process clause of the State's
20 Constitution protected a woman's purported right to
21 abortion.

22 (4) The Fourteenth Amendment to the Constitution of
23 the United States provides that no State shall deny to any

1 person the equal protection of the laws.

2 (5) Illinois law already recognizes unborn children as
3 victims of wrongful death and homicide in numerous
4 contexts, while creating statutory exemptions for
5 abortion.

6 (6) The General Assembly finds that exemptions
7 permitting the intentional killing of unborn children
8 through abortion are incompatible with principles of equal
9 protection, due process, and the State's duty to protect
10 human life.

11 (7) Innocent human life, created in the image of God,
12 should therefore be equally protected under the laws from
13 fertilization through natural death.

14 (8) To ensure the right to life and equal protection
15 of the laws, all preborn children should be protected with
16 the same criminal and civil laws protecting the lives of
17 born persons by repealing provisions that permit prenatal
18 homicide and battery.

19 (9) All persons potentially subject to such laws are
20 entitled to due process protections.

21 (10) Pregnant mothers should be protected from being
22 pressured to abort their children.

23 (11) Provisions that may allow a person to aid,
24 advise, hire, counsel, or procure a mother to abort her
25 child should be repealed.

1 Section 10. The Criminal Code of 2012 is amended by adding
2 Sections 9-0.5 and 12-0.5 as follows:

3 (720 ILCS 5/9-0.5 new)

4 Sec. 9-0.5. Definitions.

5 (a) For purposes of this Article:

6 "Person", "individual", and "another" mean any living
7 human being, including a preborn child at any stage of
8 biological development, from fertilization until natural
9 death.

10 "Fertilization" means the fusion of a human spermatozoon
11 with a human ovum.

12 (b) This Section does not apply to the unintentional death
13 of an unborn child when such death results from:

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

18 (2) spontaneous miscarriage.

19 (c) Enforcement when the victim is an unborn child is
20 subject to the same presumptions, defenses, justifications,
21 immunities, and clemencies as would apply to the homicide of a
22 human being who had been born alive.

23 (d) The provisions of this Article are in addition to any
24 other provisions relating to the death of an unborn child and
25 supersede any other provisions relating to the death of an

1 unborn child to the extent that those provisions are in
2 conflict with or are inconsistent with the provisions of this
3 Article.

4 (720 ILCS 5/12-0.5 new)

5 Sec. 12-0.5. Definitions.

6 (a) In this subdivision:

7 "Person", "individual", and "another" mean any living
8 human being, including a preborn child at any stage of
9 biological development, from fertilization until natural
10 death.

11 "Fertilization" means the fusion of a human spermatozoon
12 with a human ovum.

13 (b) This Section does not apply to the unintentional death
14 of an unborn child when such death results from:

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

19 (2) spontaneous miscarriage.

20 (c) Enforcement when the victim is an unborn child is
21 subject to the same presumptions, defenses, justifications,
22 immunities, and clemencies as would apply to the assault or
23 battery of a human being who had been born alive.

24 (d) The provisions of this subdivision are in addition to
25 any other provisions relating to the injury of an unborn child

1 and supersede any other provisions relating to the injury of
2 an unborn child to the extent that those provisions are in
3 conflict with or are inconsistent with the provisions of this
4 subdivision.

5 (720 ILCS 5/9-1.2 rep.)

6 (720 ILCS 5/9-2.1 rep.)

7 (720 ILCS 5/9-3.2 rep.)

8 (720 ILCS 5/12-3.1 rep.)

9 Section 15. The Criminal Code of 2012 is amended by
10 repealing Sections 9-1.2, 9-2.1, 9-3.2, and 12-3.1.

11 Section 20. The Wrongful Death Act is amended by changing
12 Section 1 as follows:

13 (740 ILCS 180/1) (from Ch. 70, par. 1)

14 Sec. 1. Action for damages.

15 (a) Whenever the death of a person shall be caused by
16 wrongful act, neglect or default, and the act, neglect or
17 default is such as would, if death had not ensued, have
18 entitled the party injured to maintain an action and recover
19 damages, including punitive damages when applicable, in
20 respect thereof, then and in every such case the person who or
21 company or corporation which would have been liable if death
22 had not ensued, shall be liable to an action for damages,
23 including punitive damages when applicable, notwithstanding

1 the death of the person injured, and although the death shall
2 have been caused under such circumstances as amount in law to
3 felony. Nothing in this Section affects the applicability of
4 Section 2-1115 of the Code of Civil Procedure or Section 2-102
5 or 2-213 of the Local Governmental and Governmental Employees
6 Tort Immunity Act. Punitive damages are not available in an
7 action for healing art malpractice or legal malpractice or in
8 an action against the State or unit of local government or an
9 employee of the State or an employee of a unit of local
10 government in his or her official capacity. The changes made
11 to this Section by this amendatory Act of the 103rd General
12 Assembly apply to actions filed on and after the effective
13 date of this amendatory Act of the 103rd General Assembly.

14 (b) For purposes of this Section:

15 (1) "Person" includes an unborn child.

16 (2) "Unborn child" means an individual living human
17 being at any stage of development from fertilization to
18 birth.

19 (3) "Fertilization" means the fusion of a human
20 spermatozoon with a human ovum.

21 (c) The provisions of this Act are in addition to any other
22 provisions relating to the injury or death of an unborn child.
23 The provisions of this Act supersede any other provisions
24 relating to the injury or death of an unborn child to the
25 extent that those provisions are in conflict with or are
26 inconsistent with the provisions of this Act.

1 (Source: P.A. 103-514, eff. 8-11-23.)

2 (740 ILCS 180/2.2 rep.)

3 Section 25. The Wrongful Death Act is amended by repealing
4 Section 2.2.

5 Section 97. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 98. Prospective application. This Act is
8 prospective only and shall not apply to any act or neglect
9 committed prior to the effective date of this Act. For the
10 purposes of this Act, an act, neglect, or default occurred
11 before the effective date of this Act if any element of the act
12 occurred before that date.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.