

BAHAMAS

Statue Law of the Bahamas, Chapter 84, Penal Code

(1924, effective 1 January 1927; this version Original Service 2001, LRO 1/2010)

Title XX, Homocide and Similar Crimes

295. Whoever intentionally and unlawfully causes abortion or miscarriage shall be liable to imprisonment for ten years.

296. Whoever intentionally and unlawfully causes harm to a living child during the time of its birth shall be liable to imprisonment for ten years.

297. Whoever conceals the body of a child, whether the child was born alive or not, with intent to conceal the fact of its birth, existence or death, or the manner or cause of its death, shall be liable to imprisonment for two years.

298. [infanticide by mother] (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of felony, to wit, of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, the jury may, notwithstanding that the circumstances were such that but for the provisions of this section they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this section shall affect the power of the jury upon an indictment for the murder of a child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth, in pursuance of section 312, except that for the purpose of that section a child shall be deemed to have recently been born if it had been within twelve months before its death.

(4) The said section 312 shall apply in the case of the acquittal of a woman upon an information for infanticide as it applies upon the acquittal of a woman upon an indictment for murder.

309. [abortion] (1) The offence of causing abortion or miscarriage of a woman

can be committed either by that woman or any other person; and that woman or any other person can be guilty of using means with intent to commit that offence, although the woman is not in fact pregnant.

(2) The offence of causing abortion can be committed by causing a woman to be prematurely delivered of a child, with intent unlawfully to cause or hasten the death of the child.

310. (1) Where harm is caused to a child during the time of its birth, or where, upon the discovery of the concealed body of the child, harm is found to have been caused to it, the harm shall be presumed to have been caused to the child before its death.

(2) The expression “during the time of birth” includes the whole period from the commencement of labour till the time when the child so becomes a person as that it may be murder or manslaughter to cause its death.

311. (1) Any secret disposition of the body of a child, whether it be intended to be permanent or not, may be concealment.

(2) The abandonment of the body of a child in any public place may be a concealment, if the body is abandoned for the purpose of concealing the fact of its birth or existence.

(3) Section 297 shall not apply to the case of a child of less than six months’ growth before its birth.

(4) Section 297 shall not apply to the case of intent to conceal the birth, existence or death of a child, or the manner or cause of its death, from any particular person or persons only, but it is requisite that there should be an intent to conceal the same from all persons, except such persons as abet or consent to the concealment; and

(5) The provisions of section 297 apply as well to the mother of the child as to any other person.

Illustrations

Subs. (4) —(a) A woman conceals from her father or mother the body of her child. She is not guilty of concealment of birth, unless she intended to conceal it from persons generally.

(b) A woman conceals the body of her child from all persons except a nurse who helps her in the concealment. The woman is guilty of concealment of birth, notwithstanding that she did not conceal it from her accomplice.

312. If any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury, by whose verdict such person shall be acquitted, to find, in case it shall so appear in evidence, that the child had recently been born,

and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the court may pass such sentence as if such person had been convicted upon an indictment for the concealment against the provisions of section 297.

313. (1) Where any person does an act in good faith, for the purposes of medical or surgical treatment, an intent to cause death shall not be presumed from the fact that the act was or appeared likely to cause death.

(2) Any act which is done, in good faith and without negligence, for the purposes of medical or surgical treatment of a pregnant woman is justifiable, although it causes or is intended to cause abortion or miscarriage, or premature delivery, or the death of the child.

314. Where harm is unlawfully caused to a person within the jurisdiction of the court, and his death is thereby caused, but the death happens beyond the jurisdiction of the court, any person who is guilty of having caused or abetted the causing of the harm may be tried and punished under this Code for murder or manslaughter as if the death had happened within the jurisdiction.

Source: http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1873/1873-0015/PenalCode_1.pdf

Penal Code

315. Whoever intentionally and unlawfully causes abortion or miscarriage shall be liable to imprisonment for ten years.

330. (1) The offence of causing abortion or miscarriage of a woman can be committed either by that woman or any other person; and that woman or any other person can be guilty of using means with intent to commit that offence, although the woman is not in fact pregnant.

(2) The offence of causing abortion can be committed by causing a woman to be prematurely delivered of a child, with intent unlawfully to cause or hasten the death of the child.

334. (2) Where any person does an act in good faith, for the purposes of medical or surgical treatment, an intent to cause death shall not be presumed from the fact that the act was or appeared likely to cause death.

(2) Any act which is done, in good faith and without negligence, for the purposes of medical or surgical treatment of a pregnant woman is justifiable, although it causes or is intended to cause abortion or miscarriage, or premature delivery, or the death of the child.