

Executive Summary

This report presents the preliminary findings of a research study seeking to document all charges of pregnancy criminalization in the country in the three years after *Dobbs v. Jackson Women's Health Organization*. The report covers the first year after *Dobbs*, from June 24, 2022 to June 23, 2023. The research is ongoing and will result in additional reports in the coming years. The research protocol is approved by the Institutional Review Board of University of Tennessee-Knoxville.

In the first year after *Dobbs*, at least 210 pregnant people faced criminal charges for conduct associated with pregnancy, pregnancy loss, or birth. In one sense, this is nothing new. Pregnancy Justice, along with other reporters and researchers, has documented over 1,800 cases of pregnancy-related charges between 1973 and the *Dobbs* decision in 2022.

Yet the 210 prosecutions initiated in this one-year period represent a high-water mark—the largest single-year number since researchers began tracking these cases. Two important caveats temper this finding. First, even a number as high as 210 prosecutions represents an undercount of cases; in fact, the research team continues to uncover additional cases initiated during this period and will add them to the dataset as part of a comprehensive three-year report published at the end of the study. Second, the research team had more resources to devote to uncovering cases and focused on a shorter time period than prior researchers. Therefore, it is possible that those resources allowed the team to uncover a higher proportion of cases than in the past.

Key Preliminary Findings:

- » There were at least 210 pregnancy-related prosecutions in the first year after *Dobbs*—June 24, 2022 to June 23, 2023—the highest number of pregnancy-related prosecutions documented in a single year.
- » Prosecutions in Alabama represent nearly half of the documented prosecutions (104) and Oklahoma represented nearly a third

(68), followed by South Carolina (10), Ohio (7), Mississippi (6), and Texas (6).

- » The majority of defendants are low income. One hundred forty-three of the 210 defendants were white; thirty were Black; thirteen were Native American; nine were Latinx, and fifteen had no information with respect to either race or ethnicity.
- » The majority of pregnancy-related charges (198/220) allege a form of child abuse, neglect, or endangerment. The remaining include nine charges of criminal homicide; eight drug charges; one abortion-specific crime (under a now-repealed portion of a criminal abortion statute); one charge of abuse of a corpse, and three additional miscellaneous crimes.
- » The majority of charges alleged substance use during pregnancy. In 133 cases, substance use was the only allegation made against the defendant.
- » Five cases included allegations concerning abortion. Those cases alleged an abortion procedure, an attempt to end a pregnancy or an allegation that the defendant researched or explored the possibility of an abortion. One person faced an abortion crime charge and the rest faced homicide, abuse of a corpse, or child neglect charges. Four of the five pregnancy outcomes in these cases took place outside a medical setting.
- » Twenty-two cases involved a fetal or infant demise and allegations regarding conduct concerning pregnancy, pregnancy loss, or birth.
- » Prosecutors overwhelmingly charged pregnant people with offenses that allow them to obtain convictions without having to prove that the pregnant person harmed the fetus or infant. One hundred ninety-one of 220 charges lacked a harm requirement.
- » In 121 of the 210 cases, information was obtained or disclosed in a medical setting, and 114 cases indicated involvement by the family policing system.

A Note on Language

Throughout this report, we use the term “pregnant people” as well as the term “pregnant women.” This is because in the face of “fetal personhood,” it is important to center pregnant women and all pregnant people as persons entitled to dignity and the right to make autonomous decisions about their bodies, health and lives. And while the majority of people who become pregnant are cisgender women, trans men and nonbinary people’s experiences of pregnancy are shaped by gender identity realities outside that of most cisgender women. Sexism based on the gender binary and the patriarchal drive to impose traditional gender roles on women and to erase trans and nonbinary people’s experiences must be acknowledged. Our language reflects the broad community of people with the capacity for pregnancy.