

Introduction

In *Dobbs v. Jackson Women's Health Organization*,² the Supreme Court overturned *Roe v. Wade*,³ inviting states to ban abortion across the country,⁴ opening the door to government intrusion into pregnancy in unprecedented ways,⁵ and throwing suspicion on pregnancy loss, particularly outside medical settings.

Dobbs also emboldened state legislatures, judges, anti-abortion activists, and prosecutors to develop ever more aggressive strategies to protect fetal "victims." The movement to enshrine fetal rights takes many forms. States enact abortion crimes. Courts vindicate the rights of "extrauterine children" frozen in an embryology lab. Activists push to have prosecutors charge those who seek or provide abortion under the federal Comstock Act. The longstanding prosecution of pregnant people for acts associated with pregnancy stands alongside these emerging examples.

The *Dobbs* decision opened up a score of legal and empirical questions. One was clear: how would criminal laws be used after *Dobbs* to prosecute acts associated with pregnancy? This research team set out to find the answer. This report shares preliminary results, focusing solely on charges brought and allegations made in the first year after *Dobbs*. The data suggest an escalation: 210 pregnancy-related prosecutions—the highest number of such cases documented in a single year. These cases reveal that, as in the past, prosecutions target pregnant people predominantly (compared to helpers or providers), causing lasting harm to them and their families and doing nothing to improve health or wellbeing. While year one included a handful of cases brought against non-pregnant people for pregnancy-related crimes, we have reserved analysis of these cases for future reports.

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This report shares preliminary results, focusing solely on charges brought and allegations made in the first year after *Dobbs*. If an investigation did not lead to charges, it is not included in the report.