

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 177

**DATE:** March 15, 1999

**Version:** As Introduced

**Authors:** Mulder and others

**Subject:** Partial-Birth Abortions Prohibited

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### Overview

This bill prohibits any person from performing a partial-birth abortion, except as necessary to save the life of a woman if her life is endangered by a physical disorder, physical illness, or physical injury. It also establishes criminal penalties against any person who violates this prohibition and allows civil penalties to be sought.

- 1 Definitions.** Adds § 145.4201. Defines the following terms for purposes of statutes on partial-birth abortions: abortion, fetus, partial-birth abortion, and partially vaginally delivers a living fetus before killing the fetus.
- 2 Partial-birth abortions prohibited.** Adds § 145.4202. Prohibits any person from knowingly performing a partial-birth abortion.
- 3 Life of the mother exception.** Adds § 145.4203. Permits partial-birth abortions to be performed if necessary to save the life of the mother because her life is endangered by a physical disorder, physical illness, or physical injury.
- 4 Civil remedies.** Adds § 145.4204. Specifies the civil remedies that are available to certain people in suits against people performing partial birth abortions.
  - Subd. 1. Standing.** Permits the following people to bring a civil suit against a person who performs a partial-birth abortion: the woman on whom the abortion was performed, the father of the fetus if married to the mother when she receives the partial-birth abortion procedure, and the maternal grandparents of the fetus if the woman is under age 18 at the time of the abortion. Specifies that a person does not have standing if the pregnancy resulted from the person's criminal conduct, or if the person consented to the abortion.
  - Subd. 2. Type of relief.** Allows a person to sue for money damages for all psychological and physical injuries and statutory damages of three times the cost of the abortion.
  - Subd. 3. Attorney's fee.** Awards attorney's fees to the plaintiff (the suing party) in a case if the plaintiff prevails. Awards attorney's fees to the defendant (the party being sued) in a case if the

defendant prevails and if the court finds that the plaintiff's suit was frivolous and brought in bad faith.

- 5 Criminal penalty.** Adds § 145.4205. Establishes criminal penalties for people who knowingly or recklessly perform partial birth abortions in violation of these sections.

**Subd. 1. Felony.** Makes it a felony for any person to knowingly or recklessly perform a partial-birth abortion, and permits a sentence of not more than two years in prison or payment of a fine of an unspecified amount.

**Subd. 2. Administrative finding.** Permits a person accused of performing a partial-birth abortion to request a hearing before the Board of Medical Practice on whether the procedure was necessary to save the woman's life. Allows any findings made by the Board to be admissible at the person's trial.

**Subd. 3. Prosecution of mother prohibited.** Prohibits prosecution of a woman on whom a partial-birth abortion has been performed.

- 6 Severability.** Adds § 145.4206. **Paragraph (a)** specifies that if any provision of section 145.4203 (establishing the life of the mother exception) is found unconstitutional, that provision is not severable.

**Paragraph (b)** specifies that if any provision of the statutes banning partial-birth abortions are found unconstitutional, the unconstitutional provision is severable and the rest of the sections shall remain in effect.