

2018 Regular Session

SENATE BILL NO. 181

BY SENATOR MILKOVICH

ABORTION. Prohibits abortions later than fifteen weeks after conception. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:87(D) and to enact R.S. 14:87(E), relative to the crime of
3 abortion; to provide that an abortion cannot be performed after fifteen weeks
4 following the date of conception; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:87(D) is hereby amended and reenacted and R.S. 14:87(E) is
7 hereby enacted to read as follows:

8 §87. Abortion

9 * * *

10 **D. Notwithstanding the provisions of Subsection B of this Section, it shall**
11 **be unlawful for a physician to perform any of the acts described in Subsection**
12 **A of this Section after fifteen weeks following the date of conception.**

13 ~~D.E.~~(1) Whoever commits the crime of abortion shall be imprisoned at hard
14 labor for not less than one nor more than ten years and shall be fined not less than ten
15 thousand dollars nor more than one hundred thousand dollars.

16 (2) This penalty shall not apply to the female who has an abortion.

17 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 181 Original 2018 Regular Session Milkovich

Present law defines "abortion" as the performance of any of the following acts, with the specific intent of terminating a pregnancy:

- (1) Administering or prescribing any drug, potion, medicine, or any other substance to a female.
- (2) Using any instrument or external force whatsoever on a female.

Present law provides that present law relative to abortion does not apply to the female who has an abortion.

Present law provides that it is not unlawful for a physician to perform any of the acts defined by present law as abortion if performed under the following circumstances:

- (1) The physician terminates the pregnancy in order to preserve the life or health of the unborn child or to remove a stillborn child.
- (2) The physician terminates a pregnancy for the express purpose of saving the life, preventing the permanent impairment of a life sustaining organ or organs, or to prevent a substantial risk of death of the mother.
- (3) The physician terminates a pregnancy by performing a medical procedure necessary in reasonable medical judgment to prevent the death or substantial risk of death due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman.

Present law defines "physician" as any person licensed to practice medicine in this state.

Present law defines "unborn child" as the unborn offspring of human beings from the moment of fertilization until birth.

Present law provides that whoever commits the crime of abortion is to be imprisoned at hard labor for between one year and 10 years and fined between \$10,000 and \$100,000. Present law further provides that this penalty does not apply to the female who has an abortion.

Proposed law retains present law but adds that, notwithstanding any other provisions of present law relative to the crime of abortion, it is unlawful for a physician to perform an abortion after 15 weeks following the date of conception.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:87(D); adds R.S. 14:87(E))