

2018 Regular Session

SENATE BILL NO. 534

BY SENATOR MILKOVICH

ABORTION. Defines second degree murder to include abortion of an unborn child whose mother was coerced into having the abortion. (gov sig)

1 AN ACT

2 To enact R.S. 14:30.1(A)(5) and 87.6, relative to the crime of second degree murder; to  
3 provide that second degree murder is committed when the offender performs an  
4 abortion on a person who has been coerced into having the abortion under certain  
5 circumstances; to prohibit coercing a person to obtain an abortion; to provide  
6 definitions; to provide penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:30.1(A)(5) and 87.6 are hereby enacted to read as follows:

9 §30.1. Second degree murder

10 A. Second degree murder is the killing of a human being:

11 \* \* \*

12 **(5) When the offender performs an abortion that results in the death of**  
13 **an unborn child on a person who has been coerced into obtaining the abortion**  
14 **in violation of R.S. 14:87.6, and the offender knew or reasonably should have**  
15 **known that the abortion had been coerced.**

16 \* \* \*

17 **§87.6. Coerced abortion**

1                    **A. No person shall coerce another person to obtain an abortion.**

2                    **B. For purposes of this Section, "coerce" includes any of the following:**

3                    **(1) Causing or threatening to cause serious bodily injury to another**  
4 **person.**

5                    **(2) Physically restraining or threatening to physically restrain another**  
6 **person.**

7                    **(3) Abducting or threatening to abduct another person.**

8                    **(4) Using a plan, pattern, or statement with the intent to cause another**  
9 **person to believe that failure to perform an act will result in the use of force**  
10 **against, serious harm to, or abduction or physical restraint of the other person.**

11                   **(5) Abusing or threatening the abuse of legal process against another**  
12 **person.**

13                   **(6) Destroying or threatening the destruction, concealment, removal,**  
14 **confiscation, or possession of any actual or purported passport or other**  
15 **immigration document, or any other actual or purported government**  
16 **identification document, of another person.**

17                   **(7) Controlling or threatening to control another person's access to a**  
18 **controlled dangerous substance as set forth in R.S. 40:961 et seq.**

19                   **(8) The use of another person's physical or mental impairment, where**  
20 **such impairment has a substantial adverse effect on the individual's cognitive**  
21 **or volitional functions.**

22                   **(9) Using civil or criminal fraud.**

23                   **(10) Extortion as defined in R.S. 14:66.**

24                   **(11) Withholding financial support from an unemancipated minor by the**  
25 **minor's parents, guardians, or custodian.**

26                   **C. Whoever violates the provisions of this Section shall be fined not less**  
27 **than one thousand dollars nor more than five thousand dollars and shall be**  
28 **imprisoned, with or without hard labor, for not less than six months nor more**  
29 **than five years.**



- (2) When the offender is engaged in the perpetration or attempted perpetration of certain enumerated present law crimes, even though he has no intent to kill or to inflict great bodily harm.
- (3) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in present law, or any combination thereof, that is the direct cause of the death of the recipient who ingested or consumed the controlled dangerous substance.
- (4) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in present law, or any combination thereof, to another who subsequently distributes or dispenses such controlled dangerous substance, and that is the direct cause of the death of the person who ingested or consumed the controlled dangerous substance.

Proposed law retains present law and adds that second degree murder is committed when the offender performs an abortion that results in the death of an unborn child on a person who has been coerced into having the abortion in violation of proposed law relative to coerced abortions, and the offender knew or reasonably should have known that the abortion had been coerced.

Present law provides that whoever commits the crime of second degree murder is to be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Proposed law retains present law.

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

(Adds R.S. 14:30.1(A)(5) and 87.6)