

2018 Regular Session

SENATE BILL NO. 534

BY SENATOR MILKOVICH

ABORTION. Defines abortion and feticide as "crimes of violence". (gov sig)

1 AN ACT

2 To enact R.S. 14:2(B)(48) through (52) and 87.6, relative to abortion and feticide; to define
3 abortion and feticide as "crimes of violence"; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 14:2(B)(48) through (52) and 87.6 are hereby enacted to read as
6 follows:

7 §2. Definitions

8 * * *

9 B. In this Code, "crime of violence" means an offense that has, as an element,
10 the use, attempted use, or threatened use of physical force against the person or
11 property of another, and that, by its very nature, involves a substantial risk that
12 physical force against the person or property of another may be used in the course
13 of committing the offense or an offense that involves the possession or use of a
14 dangerous weapon. The following enumerated offenses and attempts to commit any
15 of them are included as "crimes of violence":

16 * * *

17 **(48) Criminal abortion.**

1 **(49) First degree feticide.**

2 **(50) Second degree feticide.**

3 **(51) Third degree feticide.**

4 **(52) Aggravated criminal abortion by dismemberment.**

5 * * *

6 **§87.6 Coerced abortion**

7 **A. Coerced abortion is committed when any person intentionally engages**
 8 **in the use, attempted use, or threatened use of physical force against the person**
 9 **or property of a pregnant woman, with the intent to compel the pregnant**
 10 **woman to undergo an abortion against her will, whether or not the abortion**
 11 **procedure has been attempted or completed.**

12 **B. Whoever commits the crime of coerced abortion shall be fined not**
 13 **more than five thousand dollars, or imprisoned for not more than five years, or**
 14 **both.**

15 Section 2. This Act shall become effective upon signature by the governor or, if not
 16 signed by the governor, upon expiration of the time for bills to become law without signature
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 19 effective on the day following such approval.

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

SB 534 Reengrossed

2018 Regular Session

Milkovich

Present law defines a "crime of violence" as an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. Present law enumerates present law offenses that are "crimes of violence".

Proposed law retains present law and adds the following as "crimes of violence":

- (1) Criminal abortion.
- (2) First degree feticide.

- (3) Second degree feticide.
- (4) Third degree feticide.
- (5) Aggravated criminal abortion by dismemberment.

Proposed law prohibits coerced abortion and defines the term to mean when any person intentionally engages in the use, attempted use, or threatened use of physical force against the person or property of a pregnant woman, with the intent to compel the pregnant woman to undergo an abortion against her will, whether or not the abortion procedure has been attempted or completed. Provides that the penalties for violating proposed law include a fine of not more than \$5,000.00, or imprisonment for not more than five years, or both.

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

(Adds 14:2(B)(48) - (52) and 87.6)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Delete proposed law relative to second degree murder and coerced abortion.
2. Make abortion and feticide crimes of violence.

Senate Floor Amendments to engrossed bill

1. Replaces "abortion" with "aggravated criminal abortion by dismemberment" as a crime of violence.
2. Prohibits coerced abortions and provides penalties for violation of proposed law.