SLS 18RS-1509 **ORIGINAL**

2018 Regular Session

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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)

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

I	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.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 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 534 Original

2018 Regular Session

Milkovich

<u>Proposed law</u> provides that it is unlawful for a person to coerce another person to obtain an abortion.

<u>Proposed law</u> provides that for purposes of <u>proposed law</u> the word "coerce" includes:

- (1) Causing or threatening to cause serious bodily injury to another person.
- (2) Physically restraining or threatening to physically restrain another person.
- (3) Abducting or threatening to abduct another person.
- (4) Using a plan, pattern, or statement with the intent to cause another person to believe that failure to perform an act will result in the use of force against, serious harm to, or abduction or physical restraint of the other person.
- (5) Abusing or threatening the abuse of legal process against another person.
- (6) Destroying or threatening the destruction, concealment, removal, confiscation, or possession of any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.
- (7) Controlling or threatening to control another person's access to a controlled dangerous substance.
- (8) The use of another person's physical or mental impairment, where such impairment has a substantial adverse effect on the individual's cognitive or volitional functions.
- (9) Using civil or criminal fraud.
- (10) Extortion as defined in <u>present law</u>.
- (11) Withholding financial support from an unemancipated minor by the minor's parents, guardians, or custodian.

<u>Proposed law</u> provides that whoever violates <u>proposed law</u> is to be fined not less than \$1,000 nor more than \$5,000 and imprisoned, with or without hard labor, for between six months and five years.

Present law provides that second degree murder is the killing of a human being:

(1) When the offender has a specific intent to kill or to inflict great bodily harm.

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Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

- (2) When the offender is engaged in the perpetration or attempted perpetration of certain enumerated <u>present law</u> 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 <u>present law</u>, 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 <u>present law</u>, 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.

<u>Proposed law</u> retains <u>present law</u> 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 <u>proposed law</u> relative to coerced abortions, and the offender knew or reasonably should have known that the abortion had been coerced.

<u>Present law</u> 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)