1

AN ACT

SENATE BILL NO. 181

BY SENATORS MILKOVICH AND THOMPSON

2	To amend and reenact R.S. 14:87(D) and R.S. 40:1061(D) and to enact R.S. 14:87(E), (F),
3	and (G), relative to the crime of abortion; to provide that an abortion cannot be
4	performed after fifteen weeks following the date of conception; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 14:87(D) is hereby amended and reenacted and R.S. 14:87(E), (F),
8	and (G) are hereby enacted to read as follows:
9	§87. Abortion
10	* * *
11	D.(1) As used in this Subsection:
12	(a) "Abortion" means the specific intent to kill an unborn child
13	consistent with the provisions and exceptions of R.S. 40:1061.
14	(b) "Gestational age" means the age of an unborn child as calculated
15	from the first day of the last menstrual period of the pregnant woman, as
16	determined by the use of standard medical practices and techniques.
17	(2) It shall be unlawful for a physician to perform any of the acts
18	described in Subsection A of this Section after fifteen weeks gestational age.
19	D-E.(1) Whoever commits the crime of abortion shall be imprisoned at hard
20	labor for not less than one nor more than ten years and shall be fined not less than ten
21	thousand dollars nor more than one hundred thousand dollars.
22	(2) This penalty shall not apply to the female who has an abortion.
23	F. The provisions of Subsection D of this Section shall become effective
24	upon final decision of the United States Court of Appeals for the Fifth Circuit
25	upholding the Act that originated as House Bill 1510 of the 2018 Regular

SB NO. 181 ENROLLED 1 Session of the Mississippi Legislature, which decision would thereby provide the 2 authority for a state within the jurisdiction of that court of appeals to restrict 3 abortion past fifteen weeks gestational age. 4 G. The provisions of Subsection D of this Section are hereby repealed, 5 in favor of the provisions of R.S. 40:1061, immediately upon and to the extent that the United States Supreme Court upholds the authority of the states to 6 7 prohibit elective abortions on demand or by the adoption of an amendment to the Constitution of the United States of America that would restore to the state 8 9 of Louisiana the authority to prohibit elective abortions. 10 Section 2. R.S. 40:1061(D) is hereby amended and reenacted to read as follows: 11 §1061. Abortion; prohibition 12 D. Any **person in** violation of this Section shall be prosecuted pursuant to 13 14 the effective provisions of R.S. 14:87, and shall be subject to the penalties 15 provided in R.S. 40:1061.29. 16 17 Section 3. This Act shall become effective upon signature by the governor or, if not 18 signed by the governor, upon expiration of the time for bills to become law without signature 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become 21 effective on the day following such approval. PRESIDENT OF THE SENATE SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED:

GOVERNOR OF THE STATE OF LOUISIANA