
DIGEST

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HB 344 Original

2022 Regular Session

McCormick

Abstract: Requires enforcement of prohibitions against abortion and prohibits the state and its political subdivisions from using any personnel or financial resources to enforce, administer, or cooperate with the decision and judgments of the U.S. Supreme Court in the Roe v. Wade case.

Proposed law provides that it shall be known and may be cited as the "Roe v. Wade Is Unconstitutional Act". Provides for legislative findings and intent.

Proposed law establishes that its purpose is to exercise the sovereign authority of this state, consistent with the Constitution of the United States, to declare and treat as void the opinions and judgments of the Supreme Court of the United States in Roe v. Wade and its judicial progeny that claim to prohibit states from providing the equal protection of laws to people who have not yet been born. Provides that for purposes of proposed law, "Roe v. Wade" means the opinions and judgments of the Supreme Court of the United States in Roe v. Wade, 410 U.S. 113 (1973), and its judicial progeny, past and future, including, but not limited to, Planned Parenthood v. Casey, 505 U.S. 833 (1992), and June Med. Servs. L.L.C. v. Russo, 140 S. Ct. 2103 (2020).

Proposed law prohibits the state and all political subdivisions thereof from using any personnel or financial resources to enforce, administer, or cooperate with Roe v. Wade.

Proposed law prohibits all state and local government agencies and officials from giving force or effect to any court order that conflicts with proposed law. Provides that, cooperative agreements with federal agencies notwithstanding, no law enforcement agency or law enforcement officer in this state shall assist or cooperate in any way with the arrest or imprisonment of any government official or individual who complies with proposed law and refuses to comply with any contrary court order. Provides further that any federal officer or agent who arrests any La. government official for compliance with proposed law shall be subject to arrest by La. law enforcement.

Proposed law requires the state and all of its political subdivisions to enforce prohibitions against abortion without regard to Roe v. Wade.

Proposed law requires the attorney general, upon a request of an employee or former employee of the state or a political subdivision thereof, to provide for the defense of any action brought against such employee or former employee on account of an act or omission in the scope of employment relating to proposed law.

Proposed law provides that whoever violates proposed law shall be fined not more than \$2,500 per incidence or occurrence, or imprisoned for not more than six months, or both. Provides further that whoever violates proposed law while acting in his official capacity shall be subject to termination from employment if allowable under present law. Requires that if a person who violates proposed law is a public servant at the time of his conviction, he shall forfeit his office.

Proposed law authorizes any aggrieved party to bring a civil action against any person who violates or attempts to violate any provision of proposed law.

Proposed law stipulates that the state and its political subdivisions shall not be required to enter an appearance in any federal suit challenging the provisions of proposed law.

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

(Adds R.S. 49:200.61-200.65)