

2004 SESSION

INTRODUCED

041150720

SENATE BILL NO. 371

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend the Code of Virginia by adding a section numbered 18.2-73.1 relating to abortion performed after first trimester.

Patrons—Cuccinelli, Bell, Blevins, Bolling, Colgan, Devolites, Hanger, Martin, Mims, Newman, O'Brien, Obenshain, Puckett, Rerras, Ruff and Wagner; Delegates: Athey, Black, Cox, Gear, Janis, Kilgore, Lingamfelter, Marshall, R.G., McDonnell, McQuigg, Morgan, Nixon, Putney, Rapp, Reid, Sherwood, Tata, Ware, R.L., Weatherholtz, Welch and Wright

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-73.1, as follows:

§ 18.2-73.1. Fetal pain act; penalty.

For the purposes of this section, an unborn child is any living organism, prior to birth, whose deoxyribonucleic acid is that of Homo sapiens.

No abortion may be induced after 12 weeks development unless the unborn child is first anesthetized in a manner suitable for patients undergoing amputation.

For each such induced abortion, the physician performing the abortion shall forward a notarized report, which shall be sent to the Department of Health, within 90 days, attesting to:

1. The estimated age at which the unborn child was aborted;

2. Whether the unborn child was first anesthetized as required by this section;

Any person who performs an abortion without first anesthetizing the unborn child as required by this section is guilty of a Class 6 felony. However, it shall be a complete defense, if, in the reasonable clinical judgment of the physician performing the abortion, the life of the expectant mother would be immediately threatened by delay or by the procedures necessary to anesthetize the unborn child.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is _____ for periods of imprisonment in state adult correctional facilities and _____ for periods of commitment to the custody of the Department of Juvenile Justice.

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