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HOUSE BILL NO. 2124

Offered January 10, 2007

Prefiled January 8, 2007

A BILL to reinstate the crime of abortion upon overturning of Roe v. Wade, 410 U.S. 113 (1973).

Patrons—Marshall, R.G. and Cole; Senator: Hanger

Referred to Committee for Courts of Justice

Whereas, the United States Supreme Court decision in *Roe v. Wade*, which provides that abortions are legal in certain circumstances, may one day be overturned; now therefore

Be it enacted by the General Assembly of Virginia:

1. § 1. That if and when the United States Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973), is overturned, allowing the states to by their laws once again regulate abortion, the law in the Commonwealth of Virginia rendering abortion a crime, prior to the decision in Roe v. Wade, shall be reinstated as it was in effect on June 30, 1970. The Attorney General shall publish legal notice statewide that, in his opinion, the decision is overturned and that Virginia's law is as it was prior to the decision in Roe v. Wade as it was in effect on June 30, 1970. The Attorney General shall publish statewide notice of the change in law, along with the following law governing the criminal offense of abortion, amended by him to comport with contemporaneous nomenclature, references and standards (section numbers to be assigned by the Virginia Code Commission):

§ 18.2-A. Producing abortion or miscarriage, etc.; penalty.

If any person administers to, or causes to be taken by a woman, any drug or other thing, or uses means, with intent to destroy her unborn child, or to produce abortion or miscarriage, and thereby destroys such child, or produces such abortion or miscarriage, he shall be confined in the penitentiary not less than one nor more than 10 years. No person, by reason of any act mentioned in this section, shall be punishable when such act is done in good faith, with the intention of saving the life of such woman or child.

§ 18.2-B. Encouraging procuring of abortion by advertisement, etc.

If any person, by publication, lecture, advertisement, or by the sale or circulation of any publication, or in any other manner, encourages or prompts the procuring of abortion or miscarriage, he shall be guilty of a misdemeanor.

INTRODUCED

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