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SENATE BILL NO. 504

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend the Code of Virginia by adding a section numbered 18.2-71.2, relating to a prohibition on forced or coerced abortion; penalty.

Patrons—Smith and Martin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-71.2 as follows:

§ 18.2-71.2. Forced or coerced abortion prohibited; penalty.

A. Any person who forces or coerces a pregnant female of any age to have an abortion against her will is guilty of a Class 1 misdemeanor. However, if a violation of this section is committed by the father or putative father of the unborn child when the pregnant female is less than 18 years of age and the father or putative father is 18 years of age or older, the father or putative father is guilty of a Class 6 felony.

B. Upon the request of the female victim, a law-enforcement agency investigating a violation of this section shall notify the female not less than 24 hours before initially contacting the person alleged to have committed a violation of this section.

C. Any female who is forced or coerced to have an abortion shall be entitled to bring a civil action in tort against the person who forced or coerced her to have an abortion, within one year of her eighteenth birthday or, if the female is more than 18 years of age at the time of the abortion, within one year of the date of the abortion. In addition to the action for herself, the female shall have a cause of action for wrongful death of the unborn child against the person who forced or coerced her to have an abortion.

D. For the purposes of the section, the term "forces or coerces" means any act or attempted act including a threat of physical, emotional, or psychological harm intended to compel a pregnant female to have an abortion performed in otherwise lawful circumstances but performed against her will.

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 cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 781 of the Acts of Assembly of 2009 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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