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SENATE BILL NO. 277

Senate Amendments in [] - February 13, 2012

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 Prior to Engrossment—Senators Smith, Black, Carrico, Martin and Stanley

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 18.2-71.2 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.

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 if she is younger than 18 years of age at the time of the abortion or, if the female is 18 years of age or older 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 harm intended to compel a pregnant female to have an abortion performed in otherwise lawful circumstances but performed against her will. "forces or coerces" means committing, attempting to commit, or threatening to commit physical harm to the woman, unborn child, or another person intended to compel a pregnant female to have an abortion performed against her will.~~

E. For the purposes of this section, "threat" means at least one statement, or a course of conduct by an individual that places one in reasonable apprehension that the individual will follow through with his statement or act as implied by his course of conduct. Threat does not include constitutionally protected speech or any generalized statement regarding a lawful pregnancy option, including but not limited to an emotional expression by a family or household member of the pregnant woman.

F. For the purposes of this section, "course of conduct" means a pattern of conduct composed of a series of two or more separate acts evidencing a continuity of purpose.]

ENGROSSED

SB277E