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HOUSE BILL NO. 81

Offered January 9, 2008

Prefiled December 11, 2007

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

Patron—Marshall, R.G.

Referred to Committee on Rules

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.

Any person who, 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, is guilty of a misdemeanor.

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 and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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