

HB31 INTRODUCED



1 HB31
2 NVFKJJJ-1
3 By Representative Daniels
4 RFD: Health
5 First Read: 06-Feb-24
6 PFD: 12-Jan-24



SYNOPSIS:

Under existing law, abortion is prohibited except to prevent a serious health risk to the unborn child's mother.

This bill would create exceptions to the prohibition on abortion for pregnancies resulting from rape or incest.

A BILL
TO BE ENTITLED
AN ACT

Relating to abortion; to amend Sections 13A-13-7 and 26-23H-4, Code of Alabama 1975; to add certain exceptions to the abortion prohibition.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-13-7 and 26-23H-4, Code of Alabama 1975, are amended to read as follows:

"§13A-13-7

Any person who willfully administers to any pregnant woman any drug or substance or uses or employs any instrument or other means to induce an abortion, miscarriage or premature delivery or aids, abets, or prescribes for the same, unless ~~the same~~ doing so is necessary to preserve ~~her~~ the mother's life or health ~~and done for that purpose~~ or unless the



HB31 INTRODUCED

pregnancy is the result of an act of rape or incest, shall on conviction be fined not less than ~~-\$100.00~~ one hundred dollars (\$100) nor more than ~~-\$1,000.00~~ one thousand dollars (\$1,000) and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than 12 months.

(1) For the purposes of this section, a person commits rape if he or she does any of the following:

a. Engages in sexual intercourse with another person by forcible compulsion.

b. Engages in sexual intercourse with another person who is incapable of consent by reason of being incapacitated.

c. Being 16 years of age or older, engages in sexual intercourse with another person who is less than 12 years of age.

(2) For the purposes of this section, a person commits incest if he or she engages in sexual intercourse with a person he or she knows to be any of the following, either legitimately or illegitimately:

a. His or her ancestor or descendant by blood or adoption.

b. His or her brother or sister of the whole or half-blood or by adoption.

c. His or her stepchild or stepparent, while the marriage creating the relationship exists.

d. His or her aunt, uncle, nephew, or niece of the whole or half-blood."

"§26-23H-4

(a) It shall be unlawful for any person to



HB31 INTRODUCED

intentionally perform or attempt to perform an abortion except as provided ~~for by~~ in subsection (b).

(b) (1) An abortion shall be permitted if an attending physician licensed in Alabama determines that an abortion is necessary in order to prevent a serious health risk to the unborn child's mother. Except in the case of a medical emergency as defined herein, the physician's determination shall be confirmed in writing by a second physician licensed in Alabama. The confirmation shall occur within 180 days after the abortion is completed and shall be prima facie evidence for a permitted abortion.

(2) An abortion shall be permitted if the pregnancy is a result of rape or incest.

a. For the purposes of this section, an individual commits rape if he or she does any of the following:

1. Engages in sexual intercourse with another individual by forcible compulsion.

2. Engages in sexual intercourse with another individual who is incapable of consent by reason of being incapacitated.

3. Being 16 years of age or older, engages in sexual intercourse with another individual who is less than 12 years of age.

b. For the purposes of this section, an individual commits incest if he or she engages in sexual intercourse with an individual he or she knows to be any of the following, either legitimately or illegitimately:

1. His or her ancestor or descendant by blood or



HB31 INTRODUCED

adoption.

2. His or her brother or sister of the whole or half-blood or by adoption.

3. His or her stepchild or stepparent, while the marriage creating the relationship exists.

4. His or her aunt, uncle, nephew, or niece of the whole or half-blood."

Section 2. This act shall become effective on October 1, 2024.