

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



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2 SYNOPSIS:

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4 Under existing law, abortion is prohibited
5 except to prevent a serious health risk to the unborn
6 child's mother.7 This bill would create exceptions to the
8 prohibition on abortion for pregnancies resulting from
9 rape or incest.

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12 A BILL

13 TO BE ENTITLED

14 AN ACT

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16 Relating to abortion; to amend Sections 13A-13-7 and
17 26-23H-4, Code of Alabama 1975; to add certain exceptions to
18 the abortion prohibition.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 "§13A-13-7

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



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

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

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

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

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

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

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

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

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

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

55 "§26-23H-4

56 (a) It shall be unlawful for any person to



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

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

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

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

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

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

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

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

84 1. His or her ancestor or descendant by blood or

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85 adoption.

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

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

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

92 Section 2. This act shall become effective on October
93 1, 2024.