

Senator Curtis S. Bramble proposes the following substitute bill:

**PROHIBITION OF PUBLIC FUNDING FOR
ABORTION**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Curtis S. Bramble

6	Gregory S. Bell	Thomas V. Hatch	L. Alma Mansell
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11	Beverly Ann Evans	Sheldon L. Killpack	Carlene M. Walker
12	James M. Evans	Peter C. Knudson	Bill Wright
13	David L. Gladwell		

LONG TITLE

General Description:

This bill modifies the offenses against the family section of the Utah Criminal Code.

Highlighted Provisions:

This bill:

- prohibits the state and political subdivisions from using public funds for the performance of an abortion; and
- provides a penalty for anyone who knowingly authorizes the use of public funds for an abortion.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **76-7-324**, as last amended by Chapter 50, Laws of Utah 1988

31 ENACTS:

32 **76-7-326**, Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **76-7-324** is amended to read:

36 **76-7-324. Violation of restrictions on public funds for contraceptive or abortion**
37 **services as misdemeanor.**

38 Any agent of a state agency or political subdivision, acting alone or in concert with
39 others, who violates Section 76-7-322 [or], 76-7-323, or 76-7-326 is guilty of a class B
40 misdemeanor.

41 Section 2. Section **76-7-326** is enacted to read:

42 **76-7-326. Public funding of abortion forbidden.**

43 (1) Public funds of the state, its institutions, or its political subdivisions may not be
44 used to pay or otherwise reimburse, either directly or indirectly, any person, agency, or facility
45 for the performance of any induced abortion service, unless:

46 (a) in the professional judgment of the pregnant woman's attending physician, the
47 abortion is necessary to save the pregnant woman's life;

48 (b) the pregnancy is the result of rape or incest reported to law enforcement agencies,
49 unless the woman was unable to report the crime for physical reasons or fear of retaliation; or

50 (c) in the professional judgment of the pregnant woman's attending physician, the
51 abortion is necessary to prevent permanent, irreparable, and grave damage to a major bodily
52 function of the pregnant woman. This provision shall not be construed to allow direct or
53 indirect funds to be used for conditions of mental, psychological, or emotional harm, illness, or
54 distress.

55 (2) If a state agency violates Subsection (1), the Legislature may eliminate any or all of
56 the public funds provided to the state agency.

57 (3) Any person who knowingly authorizes the use of the funds prohibited by this
58 section may be charged with a class B misdemeanor pursuant to Section 76-7-324. If the

59 offender is an officer or employee of the state, the officer or employee may be dismissed from
60 that person's office or position and the person's employment may be immediately terminated.