

76-7-317.1 Abortion Litigation Account.

- (1) As used in this section, "account" means the Abortion Litigation Account created in this section.
- (2) There is created a restricted account within the General Fund known as the "Abortion Litigation Account."
- (3) The Division of Finance may accept, for deposit in the restricted account, grants, gifts, bequests, or any money made available from any private sources for the purpose described in Subsection (4).
- (4) Except as provided in Subsection (9), money deposited into the restricted account on or after May 12, 2009, shall be retained in the account for the purpose of paying litigation and appellate expenses of the Office of the Attorney General, including any court-ordered payment of plaintiff's attorney fees, to defend any law passed by the Legislature on or after January 1, 2009, that:
 - (a) challenges the legal concept that a woman has a constitutional right to an abortion; or
 - (b) places a restriction on the right to an abortion.
- (5) Money shall be appropriated by the Legislature from the account to the Office of the Attorney General under Title 63J, Chapter 1, Budgetary Procedures Act.
- (6) The restricted account may be used only for costs, expenses, and attorney fees connected with the defense of an abortion law described in Subsection (4).
- (7) Any funds in the restricted account on May 11, 2009, shall be first used to offset money expended by the state in connection with litigation regarding Senate Bill 23, passed in the 1991 General Session.
- (8) Any funds described in Subsection (7) that are not needed to offset the money expended by the state in connection with litigation regarding Senate Bill 23, passed in the 1991 General Session, shall be retained in the account for the purpose described in Subsection (4).
- (9)
 - (a) If the Legislature does not pass a law described in Subsection (4) on or before July 1, 2014, the funds in the restricted account shall be used by the Division of Child and Family Services, within the Department of Human Services, for adoption assistance.
 - (b) If, on or before July 1, 2014, the Legislature passes a law described in Subsection (4), any funds remaining in the restricted account after the litigation and appellate expenses to defend the law are paid shall be used by the Division of Child and Family Services, within the Department of Human Services, for adoption assistance.

Amended by Chapter 278, 2010 General Session