

1                                   **PROHIBITION OF PUBLIC FUNDING FOR**  
2   **ABORTION**

3   2004 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Curtis S. Bramble**

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7   **LONG TITLE**

8   **General Description:**

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

10 **Highlighted Provisions:**

11                   This bill:

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

16 **Monies Appropriated in this Bill:**

17                   None

18 **Other Special Clauses:**

19                   None

20 **Utah Code Sections Affected:**

21 AMENDS:

22                   **76-7-324**, as last amended by Chapter 50, Laws of Utah 1988

23 ENACTS:

24                   **76-7-326**, Utah Code Annotated 1953

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

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



28 **76-7-324. Violation of restrictions on public funds for contraceptive or abortion**  
29 **services as misdemeanor.**

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

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

34 **76-7-326. Public funding of abortion forbidden.**

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

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

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

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

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

49 (3) Any person who knowingly authorizes the use of the funds prohibited by this  
50 section may be charged with a class B misdemeanor pursuant to Section 76-7-324. If the  
51 offender is an officer or employee of the state, the officer or employee may be dismissed from  
52 that person's office or position and the person's employment may be terminated.

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**Legislative Review Note**  
**as of 6-23-03 2:19 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**