

ABORTION LAW REVISIONS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

Cosponsors: Glenn A. Donnelson Kerry W. Gibson

LONG TITLE

General Description:

This bill provides for an immediate revision of the portion of the Utah Criminal Code relating to abortion if Roe v. Wade is overturned.

Highlighted Provisions:

This bill:

- ▶ provides that, if Roe v. Wade is overturned, the provisions of this bill will immediately be in effect and will supercede conflicting provisions of the Utah Code;
- ▶ provides that, if Roe v. Wade is overturned, no person may perform an abortion, unless:
 - it is necessary in order to avert a woman's death or to avert a serious risk to a woman of substantial and irreversible impairment of a major bodily function; or
 - the woman is pregnant as the result of incest or rape that is reported to law enforcement before the abortion is performed;
- ▶ addresses the confidentiality of the name of a victim of incest or rape; and
- ▶ provides a severability clause.

Monies Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **76-7-302.2**, Utah Code Annotated 1953



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

34 Section 1. Section **76-7-302.2** is enacted to read:

35 **76-7-302.2. Circumstances under which abortion authorized if Roe v. Wade is**
36 **overturned.**

37 (1) This section shall not be in effect until Roe v. Wade, 410 U.S. 113 (1973) is
38 overturned by the United States Supreme Court, or by an amendment to the United States
39 Constitution.

40 (2) If Roe v. Wade, 410 U.S. 113 (1973) is overturned by the United States Supreme
41 Court, or by an amendment to the United States Constitution, this section, and the provisions of
42 this section, shall:

43 (a) immediately be in effect; and

44 (b) supercede any provision of this part, or any other provision of the Utah Code, that
45 is in conflict with this section or the provisions of this section.

46 (3) Subject to Subsection (1), no person may perform an abortion unless:

47 (a) a medical condition exists that, on the basis of the attending physician's good faith
48 clinical judgment, so complicates the medical condition of a woman as to necessitate the
49 abortion of her pregnancy to avert:

50 (i) the woman's death; or

51 (ii) a serious risk of substantial and irreversible impairment of a major bodily function
52 of the woman; or

53 (b) (i) the woman upon whom the abortion is performed is pregnant as a result of:

54 (A) incest, as defined in Subsection 76-5-406(10) or Section 76-7-102;

55 (B) rape, as defined in Section 76-5-402; or

56 (C) rape of a child, as defined in Section 76-5-402.1; and

57 (ii) the incident described in Subsection (3)(b)(i) is reported to a law enforcement
58 agency before the abortion is performed.

59 (4) The name of a victim of an incident reported to law enforcement under Subsection
60 (3)(b) is confidential and may not be disclosed by law enforcement or any other person, unless
61 the disclosure:

62 (a) is approved by the victim;

63 (b) is permitted or required under Section 76-7-304 or 76-7-304.5; or

64 (c) is required by law or court order.

65 (5) If any one or more provision, subsection, sentence, clause, phrase, or word of this
66 section or the application thereof to any person or circumstance is found to be unconstitutional,
67 the same is hereby declared to be severable and the balance of this section shall remain
68 effective notwithstanding such unconstitutionality. The Legislature hereby declares that it
69 would have passed this section, and each provision, subsection, sentence, clause, phrase, or
70 word thereof, irrespective of the fact that any one or more provision, subsection, sentence,
71 clause, phrase, or word be declared unconstitutional.

Legislative Review Note
as of 12-21-06 8:08 AM

Office of Legislative Research and General Counsel

H.B. 235 - Abortion Law Revisions

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/16/2007, 8:24:15 AM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst