

1 **ABORTION LITIGATION TRUST ACCOUNT**

2 **AMENDMENTS**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Kenneth W. Sumsion**

6 **Senate Sponsor: Mark B. Madsen**

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of the Abortion Litigation Trust Account.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines the term, "account" as the Abortion Litigation Trust Account;
- 14 ▶ provides that money may be deposited into the account ~~it~~ [;] ~~it~~ by private entities

14a ~~it~~ [or by the

15 ~~Legislature;~~ ~~it~~ for the purpose of defending any law passed by the Legislature on or

16 after January 1, 2009, and on or before July 1, 2014, that ~~it~~ :

16a • ~~it~~ challenges the legal

17 concept that a woman has ~~it~~ [the] **a constitutional** ~~it~~ right to an abortion ~~it~~ [~~even when the~~

17a ~~woman is not~~

18 ~~threatened with the loss of her life~~] [or] [;] [~~substantial and irreversible impairment of a~~

19 ~~major bodily function~~] [~~rape, or incest~~] ~~it~~ ; ~~it~~ or

19a • **places a restriction on the right to an abortion;** ~~it~~

20 ▶ provides that money remaining in the account on May 11, 2009 that is not used to

21 offset the monies expended by the state in connection with litigation regarding

22 Senate Bill 23, passed in the 1991 General Session, shall be used for the purpose

23 described in the preceding paragraph;

24 ▶ provides that money in the account that is not used for the purposes described in this

25 bill shall be used by the Division of Child and Family Services, within the

26 Department of Human Services, for adoption assistance; and

27 ▶ makes technical changes.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **76-7-317.1**, as last amended by Laws of Utah 2008, Chapter 382



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

37 Section 1. Section **76-7-317.1** is amended to read:

38 **76-7-317.1. Abortion Litigation Trust Account.**

39 (1) As used in this section, "account" means the Abortion Litigation Trust Account
 40 created in this section.

41 ~~[(1)(a)]~~ (2) There is created in the General Fund a restricted account known as the
 42 Abortion Litigation Trust Account. ~~[All money received by the state from private sources for~~
 43 ~~litigation expenses connected with the defense of Senate Bill 23, passed in the 1991 Annual~~
 44 ~~General Session, shall be deposited in that account.]~~

45 ~~[(b) On behalf of the Abortion Litigation Trust Account, the]~~

46 (3) The Division of Finance may accept ~~H→~~, ~~←H~~ for deposit in the account ~~H→~~ [:
 47 ~~—(a)]~~, ~~←H~~ grants, gifts, bequests, or any money made available from any private sources [to
 48 implement this section.] for the purpose described in Subsection (4) ~~H→~~ [: and

49 ~~—(b) any money appropriated to the account by the Legislature]~~ ~~←H~~ .

50 (4) Except as provided in Subsection (9), money deposited into the account on or after
 51 May 12, 2009, shall be retained in the account for the purpose of paying litigation and appellate
 52 expenses of the Office of the Attorney General ~~H→~~, including any court-ordered payment of
 52a plaintiff's attorney fees, ~~←H~~ to defend any law passed by the Legislature on
 53 or after January 1, 2009, that ~~H→~~ :

53a (a) ~~←H~~ challenges the legal concept that a woman has ~~H→~~ [the] a constitutional ~~←H~~ right
 53b to an

54 abortion ~~H→~~ [when the woman is not threatened with:

55 ~~—(a) the loss of her life;]~~ ; [f] or [f]

56 ~~[(b) substantial and irreversible impairment of a major bodily function~~ ~~H→~~ ;

56a ~~—(c)rape; or~~

56b ~~—(d)incest~~ ~~←H~~]

56c (b) places a restriction on the right to an abortion ~~←H~~ .

57 ~~[(2)]~~ (5) Money shall be appropriated by the Legislature from the account to the Office
 58 of the Attorney General under Title 63J, Chapter 1, Budgetary Procedures Act.

59 ~~[(3) The Abortion Litigation Trust Account]~~

60 (6) The account may be used only for costs, expenses, and [attorneys] attorney fees
61 connected with the defense of [the] an abortion law [identified] described in Subsection [(1)]
62 (4).

63 ~~[(4)] (7) Any funds [remaining] in the [abortion litigation trust] account [after final~~
64 ~~appellate procedures shall revert to the General Fund, to] on May 11, 2009, shall be first used~~
65 ~~to offset the monies expended by the state in connection with litigation regarding Senate Bill~~
66 ~~23[-], passed in the 1991 General Session.~~

67 (8) Any funds described in Subsection (7) that are not needed to offset the monies
68 expended by the state in connection with litigation regarding Senate Bill 23, passed in the 1991
69 General Session, shall be retained in the account for the purpose described in Subsection (4).

70 (9) (a) If the Legislature does not pass a law described in Subsection (4) on or before
71 July 1, 2014, the funds in the account shall be used by the Division of Child and Family
72 Services, within the Department of Human Services, for adoption assistance.

73 (b) If, on or before July 1, 2014, the Legislature passes a law described in Subsection
74 (4), any funds remaining in the account after the litigation and appellate expenses to defend the
75 law are paid shall be used by the Division of Child and Family Services, within the Department
76 of Human Services, for adoption assistance.

Legislative Review Note

as of 1-14-09 4:20 PM

Office of Legislative Research and General Counsel



H.B. 114 - Abortion Litigation Trust Account Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations. The account has a current balance of \$1,354. The remaining balance as of July 1, 2014 will be used for adoption assistance through the Division of Child and Family Services.

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.
