

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 303

Short Title: Ban Partial-Birth Abortions.

(Public)

Sponsors: Representatives Aldridge; Baker, Cansler, Capps, Davis, Decker, Eddins, Hardy, McComas, Rayfield, Sexton, Shubert, Starnes, and Wood.

Referred to: Human Resources.

February 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO BAN PARTIAL-BIRTH ABORTIONS.

3 The General Assembly of North Carolina enacts:

4 Section 1. Article 11 of Chapter 14 of the General Statutes is amended by
5 adding a new Part to read:

6 **“PART 2. PARTIAL-BIRTH ABORTION BAN ACT OF 1997.**

7 **“§ 14-46.1. Definitions.**

8 The following definitions apply in this Part:

9 (1) Partial-birth abortion. – An abortion in which the person performing the
10 abortion partially vaginally delivers a living fetus before killing the
11 fetus and completing the delivery.

12 (2) Physician. – A doctor of medicine or osteopathy legally authorized to
13 practice medicine and surgery by the state in which the doctor performs
14 such activity, or any other individual legally authorized by the state to
15 perform abortions.

16 **“§ 14-46.2. Partial-birth abortions prohibited; criminal penalty.**

17 (a) Unless the conduct is covered by some other provision of law providing greater
18 punishment, any physician who performs a partial-birth abortion and kills a human fetus
19 is guilty of a Class I felony.

1 (b) Unless the conduct is covered by some other provision of law providing greater
2 punishment, any person who is not a physician and who performs a partial-birth abortion
3 and kills a human fetus is guilty of a Class I felony.

4 **"§ 14-46.3. Partial-birth abortions prohibited; civil remedies and penalties.**

5 (a) The following parties may obtain appropriate relief in a civil action, unless the
6 pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the
7 abortion:

8 (1) The father of the fetus, if the father was married to the mother at the
9 time she received a partial-birth abortion procedure.

10 (2) The maternal grandparents of the fetus, if the mother had not attained
11 the age of 18 years at the time of the abortion.

12 (b) The civil remedies available under this section include the following:

13 (1) Money damages for all injuries, psychological and physical, occasioned
14 by the violation of this section; and

15 (2) Statutory damages equal to three times the cost of the partial-birth
16 abortion.

17 **"§ 14-46.4. Application of Part.**

18 (a) This Part does not apply to a physician who performs a partial-birth
19 abortion if:

20 (1) The mother's life is endangered by a physical disorder, physical illness,
21 or physical injury; and

22 (2) The procedure is necessary to save the life of the mother; and

23 (3) No other medical procedure would suffice for that purpose.

24 (b) A woman upon whom a partial-birth abortion is performed may not be
25 prosecuted under this Part."

26 Section 2. Article 11 of Chapter 14 of the General Statutes is recodified as Part
27 1 of Article 11 of Chapter 14 of the General Statutes.

28 Section 3. This act becomes effective December 1, 1997, and applies to
29 offenses committed on or after that date.