
By: Senators Haines, Stoltzfus, Hafer, McCabe, Colburn, and Roesser

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Partial-Birth Abortions - Prohibition**

3 FOR the purpose of prohibiting the performance of partial-birth abortions except if
4 necessary to save the life of the mother; establishing penalties for performing
5 partial-birth abortions; establishing civil remedies for certain persons under certain
6 circumstances; and generally relating to prohibiting the performance of
7 partial-birth abortions.

8 BY adding to

9 Article - Health - General
10 Section 20-210
11 Annotated Code of Maryland
12 (1990 Replacement Volume and 1995 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Health - General**

16 20-210.

17 (A) IN THIS SECTION, "PARTIAL-BIRTH ABORTION" MEANS AN ABORTION IN
18 WHICH THE PERSON PERFORMING THE ABORTION PARTIALLY DELIVERS A LIVING
19 FETUS VAGINALLY PRIOR TO KILLING THE FETUS AND COMPLETING THE
20 DELIVERY.

21 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY
22 PERSON WHO KNOWINGLY PERFORMS A PARTIAL-BIRTH ABORTION AND KILLS A
23 HUMAN FETUS SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
24 SUBJECT TO A FINE OF \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR
25 BOTH.

26 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A
27 PARTIAL-BIRTH ABORTION THAT IS NECESSARY TO SAVE THE LIFE OF A MOTHER
28 WHOSE LIFE IS ENDANGERED BY A PHYSICAL DISORDER, ILLNESS, OR INJURY,
29 PROVIDED THAT NO OTHER MEDICAL PROCEDURE IS AVAILABLE TO SAVE THE LIFE
30 OF THE MOTHER.

1 (C) (1) THE FOLLOWING INDIVIDUALS MAY SEEK RELIEF THROUGH CIVIL
2 ACTION AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AGAINST A PERSON
3 WHO PERFORMS A PARTIAL-BIRTH ABORTION, UNLESS THE PREGNANCY RESULTED
4 FROM CRIMINAL CONDUCT OF THE INDIVIDUAL OR IF THE INDIVIDUAL CONSENTED
5 TO THE PARTIAL-BIRTH ABORTION:

6 (I) THE FATHER OF THE ABORTED FETUS, IF THE FATHER IS
7 MARRIED TO THE MOTHER AT THE TIME OF THE PARTIAL-BIRTH ABORTION; OR

8 (II) THE MATERNAL GRANDPARENTS OF THE FETUS, IF THE
9 MOTHER WAS LESS THAN 18 YEARS OLD AT THE TIME OF THE PARTIAL-BIRTH
10 ABORTION.

11 (2) CIVIL RELIEF UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
12 INCLUDE:

13 (I) DAMAGES FOR ANY PHYSICAL OR PSYCHOLOGICAL INJURIES
14 RESULTING FROM A VIOLATION OF THIS SECTION; AND

15 (II) DAMAGES EQUAL TO THREE TIMES THE COST OF THE
16 PARTIAL-BIRTH ABORTION.

17 (D) THIS SECTION MAY NOT BE CONSTRUED TO IMPOSE ANY PENALTIES
18 UNDER THIS SECTION ON ANY WOMAN UPON WHOM A PARTIAL-BIRTH ABORTION IS
19 PERFORMED.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1996.