
By: Delegates Owings, Morgan, O'Donnell, Perry, Donoghue, Bonsack, Getty, Beck, Wood, Slade, Stocksdale, Stull, Weir, Jacobs, Healey, Elliott, Ports, Schade, DeCarlo, Bissett, Conroy, M. Burns, Rzepkowski, Klima, Dewberry, E. Burns, Walkup, Mossburg, Ciliberti, Minnick, Dypski, and Leopold

Introduced and read first time: January 24, 1997

Assigned to: Environmental Matters

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 (1996 Replacement Volume and 1996 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, A
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,

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1 PROVIDED THAT NO OTHER MEDICAL PROCEDURE IS AVAILABLE TO SAVE THE LIFE
2 OF THE MOTHER.

3 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
4 FOLLOWING INDIVIDUALS MAY SEEK RELIEF THROUGH CIVIL ACTION AS
5 PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AGAINST A PERSON WHO
6 PERFORMS A PARTIAL-BIRTH ABORTION:

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

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

12 (2) THE FOLLOWING INDIVIDUALS MAY NOT SEEK CIVIL RELIEF AS
13 PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION:

14 (I) AN INDIVIDUAL WHO CAUSED THE PREGNANCY BY CRIMINAL
15 CONDUCT; OR

16 (II) AN INDIVIDUAL WHO CONSENTED TO THE PARTIAL-BIRTH
17 ABORTION.

18 (3) CIVIL RELIEF UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
19 INCLUDE:

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1997.