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POLITICS

Senate votes to criminalize coerced abortion. Opponents say it stigmatizes the procedure.



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The Indiana Senate approved new abortion regulations on Tuesday by a 38-10 vote in an attempt to limit "coerced" abortions.

Supporters say it's a necessary layer of protection to prevent Hoosier women from being forced into an unwanted abortion and to catch human traffickers, while opponents say the requirements just further stigmatize abortions without actually helping women.

Under House Bill 1217 any pregnant woman seeking an abortion would have to be informed both orally and in writing that no one can coerce the pregnant woman to have an abortion. If an abortion clinic employee suspects someone is being coerced — a Level 6 felony under the bill — they clinic must report it to law enforcement, who must then investigate.

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The clinic would then have to delay the abortion, and provide that woman with information about protective services available, access to an alternative exit from the facility and use of a telephone.

Bill author Rep. Joanna King, R-Middlebury, said in committee that the bill was brought to her by Indiana Right to Life, an anti-abortion group that often pushes for more restrictive abortion language in Indiana law.

HB 1134: As lawmakers limit debate on controversial HB 1134, some Hoosiers say they feel unheard

There are 18 states that have a coerced abortion law already on the books, Bill sponsor Sen. Liz Brown, R- Fort Wayne, said on the Senate floor Tuesday.

"This offers protections," said Brown. "These are too many women who are sex trafficked and put at risk, and we just ignore it."

Opponents of the legislation say they certainly don't support coerced abortion, but they worry that private familial conversations between partners or between a parent and an underage child encouraging an abortion could be considered coercion, because there is no definition of coercion in the bill.

Sen. Rodney Pol, Jr., D-Portage, brought up a scenario where a man impregnates his girlfriend, and tells her he isn't going to stick around if she has the child.

"Is that individual a coward, absolutely. Is that individual a felon?" Pol asked. "That's really the question that we're going to see here, and we can do a lot better job of actually defining (coercion)."

When questioned on the Senate floor, Brown said a parent threatening to take away a child's college money or threatening to kick them out of the house if they have an abortion, could be charged.

Even the mere presence of a partner in the waiting room could be misconstrued by somebody as coercion, worried Kathleen Marrs, a local professor who said she was testifying as an individual during a committee meeting on the bill.

"This is simply a way to put abortion restrictions into place," Marrs said. "It's a way to deny women access to a safe, legal abortion."

Likewise, opponents say lawmakers should be worried about any form of reproductive coercion, including when someone is forced to keep a child instead of getting an abortion. The bill also doesn't require abortion clinics to find somewhere safe for the coerced woman to go.

Brown implied on the Senate floor just before the vote that her peers who were opposed to the legislation were hypocrites.

"We have a pro-choice group in our legislature who is really concerned about a woman having a choice," Brown said. "But apparently that choice is only valid when that choice is to have an abortion. They don't want to protect a woman when the choice is not to have an abortion."

House Bill 1217 will now go back to the House, which already approved the initial bill, for the chamber to vote on whether to concur with the minor changes made to the bill on the Senate,

side. If they approve it as expected, it will go to Gov. Eric Holcomb for consideration.

It's not uncommon for lawmakers to pass abortion-related legislation. Last year, they approved a measure that required abortion clinics to provide information about Progesterone, a drug some anti-abortion groups say can reverse medically-induced abortions, as long as a mother has only taken one of the two required abortion pills. Not everyone agrees the science behind the reversal pill is sound.

The measure landed Indiana in the courts.

Other abortion-related bills were filed at the start of the legislative session, but HB 1217 is the only one that advanced this legislative session. House Bill 1282 from Rep. Curt Nisly, R-Milford, would have outright banned abortions. Senate Bill 309 from now former Sen. Erin Houchin, R-Salem, would have required the General Assembly to meet if the Supreme Court allows the state to further restrict abortions.

Legislative leaders said they want to wait until the Supreme Court decides whether to uphold Mississippi's controversial abortion language, which would ban most abortions after 15 weeks, before advancing more restrictive abortion language.

Legislative leaders have not ruled out calling for a special session to address abortion if a decision is released during lawmakers' off season.

Call IndyStar reporter Kaitlin Lange at 317-432-9270. Follow her on Twitter: @kaitlin_lange.

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House Bill 1217

Enrolled House Bill (H)

Authored by Rep. Joanna King.

Co-Authored by Rep. Peggy Mayfield, Rep. Rita Fleming, Rep. Chris Jeter.

Sponsored by Sen. Liz Brown, Sen. Linda Rogers, Sen. Stacey Donato, Sen. Kevin Boehnlein, Sen. John Crane, Sen. Dennis Kruse, Sen. James Tomes.

DIGEST

Coerced abortion. Requires that a pregnant woman seeking an abortion must be informed that a coerced abortion is illegal. Provides that certain medical personnel must inquire with a pregnant woman seeking an abortion whether the abortion is coerced. Requires certain medical personnel who believe that an abortion is coerced to offer the pregnant woman information on certain services, the use of a telephone, and an alternative exit from the health care facility. Makes it a Level 6 felony if a person knowingly or intentionally coerces a pregnant woman into having an abortion. Mandates reports of a coerced abortion to law enforcement. Provides that a law enforcement agency must immediately respond and initiate an investigation upon receipt of a complaint of coercion or attempted coercion. Makes it a Class C infraction if a reproductive health facility knowingly employs a mandatory reporter who violates the mandatory reporting statute.