STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
FACSIMILE: 602-542-7601

April 4, 2008

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2769; Partial-birth Abortion; Definition

Dear Speaker Weiers:

Today I vetoed House Bill 2769, which would have amended A.R.S. § 13-3603.01, the Arizona partial-birth abortion statute that was held unconstitutional by the United States District Court for Arizona in 1997.

In 2003, the federal government enacted 18 USC §1531, the federal partial-birth abortion ban. Under the federal law, it is a crime punishable with up to two years imprisonment for a physician to knowingly perform a partial-birth abortion. The only exception in the federal law is when the procedure is necessary to save a woman whose life is endangered by physical disorder, physical illness or physical injury. This law applies throughout the United States, including Arizona.

Some have tried to portray House Bill 2769 as merely conforming Arizona's statute to federal law. That is not correct. The federal law provides physicians who are prosecuted under federal law with the opportunity to seek the professional opinion of their peers as to the necessity of the medical procedure as part of the physicians' criminal defense. House Bill 2769 does not. Further, the federal law specifically caps the criminal penalty for violation to two years in prison. There is no comparable cap in House Bill 2769.

For these and other reasons, I have vetoed House Bill 2769. Rather than introducing more criminal penalties into the relationship between a woman and her physician, let us focus our collective efforts to remedy the root issue of unwanted pregnancies by addressing such important topics as family planning and the prevention of sexual violence against women. I stand ready to work together to address these matters in a bi-partisan manner.

Yours very truly,

Janet Napolitano
Governor

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cc: The Honorable Timothy S. Bee
The Honorable Andrew M. Tobin