

REFERENCE TITLE: disability-selection abortion; prohibited

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1381

Introduced by
Senator Rogers

AN ACT

AMENDING SECTION 13-3603.02, ARIZONA REVISED STATUTES; RELATING TO FAMILY OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3603.02, Arizona Revised Statutes, is amended
3 to read:
4 13-3603.02. Abortion; disability, sex and race selection;
5 injunctive and civil relief; failure to report;
6 classification; definition
7 A. A person who knowingly does any of the following is guilty of a
8 class ~~3~~ 2 felony:
9 1. Performs an abortion knowing that the abortion is sought based
10 on the **DISABILITY**, sex or race of the child or the **DISABILITY OR** race of a
11 parent of that child.
12 2. Uses force or the threat of force to intentionally injure or
13 intimidate any person for the purpose of coercing a **DISABILITY-SELECTION**,
14 sex-selection or race-selection abortion.
15 3. Solicits or accepts monies to finance a **DISABILITY-SELECTION**,
16 sex-selection or race-selection abortion.
17 B. The attorney general or the county attorney may bring an action
18 in superior court to enjoin the activity described in subsection A of this
19 section.
20 C. The father of the unborn child who is married to the mother at
21 the time she receives a **DISABILITY-SELECTION**, sex-selection or
22 race-selection abortion, or, if the mother has not attained eighteen years
23 of age at the time of the abortion, the maternal grandparents of the
24 unborn child, may bring a civil action on behalf of the unborn child to
25 obtain appropriate relief with respect to a violation of subsection A of
26 this section. The court may award reasonable attorney fees as part of the
27 costs in an action brought pursuant to this subsection. For the purposes
28 of this subsection, "appropriate relief" includes monetary damages for all
29 injuries, whether psychological, physical or financial, including loss of
30 companionship and support, resulting from the violation of subsection A of
31 this section.
32 D. A physician, physician's assistant, nurse, counselor or other
33 medical or mental health professional who knowingly does not report known
34 violations of this section to appropriate law enforcement authorities
35 ~~shall be~~ IS subject to a civil ~~fine~~ PENALTY of not more than ~~ten thousand~~
36 ~~dollars~~ \$20,000.
37 E. A woman on whom a **DISABILITY-SELECTION**, sex-selection or
38 race-selection abortion is performed is not subject to criminal
39 prosecution or civil liability for any violation of this section or for a
40 conspiracy to violate this section.
41 F. For the purposes of this section, "abortion" has the same
42 meaning prescribed in section 36-2151.