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)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-3603.02, Arizona Revised Statutes, is amended to read:

13-3603.02. Abortion; disability, sex and race selection; injunctive and civil relief; failure to report; classification; definition

A. A person who knowingly does any of the following is guilty of a class 3 class 2 felony:

1. Performs an abortion knowing that the abortion is sought based on the DISABILITY, sex or race of the child or the DISABILITY OR race of a parent of that child.

2. Uses force or the threat of force to intentionally injure or intimidate any person for the purpose of coercing a DISABILITY-SELECTION, sex-selection or race-selection abortion.

3. Solicits or accepts monies to finance a DISABILITY-SELECTION, sex-selection or race-selection abortion.

B. The attorney general or the county attorney may bring an action in superior court to enjoin the activity described in subsection A of this section.

C. The father of the unborn child who is married to the mother at the time she receives a DISABILITY-SELECTION, sex-selection or race-selection abortion, or, if the mother has not attained eighteen years of age at the time of the abortion, the maternal grandparents of the unborn child, may bring a civil action on behalf of the unborn child to obtain appropriate relief with respect to a violation of subsection A of this section. The court may award reasonable attorney fees as part of the costs in an action brought pursuant to this subsection. For the purposes of this subsection, "appropriate relief" includes monetary damages for all injuries, whether psychological, physical or financial, including loss of companionship and support, resulting from the violation of subsection A of this section.

D. A physician, physician's assistant, nurse, counselor or other medical or mental health professional who knowingly does not report known violations of this section to appropriate law enforcement authorities shall be IS subject to a civil fine PENALTY of not more than ten thousand dollars $20,000.

E. A woman on whom a DISABILITY-SELECTION, sex-selection or race-selection abortion is performed is not subject to criminal prosecution or civil liability for any violation of this section or for a conspiracy to violate this section.

F. For the purposes of this section, "abortion" has the same meaning prescribed in section 36-2151.