

PROPOSED

SENATE AMENDMENTS TO H.B. 2140

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 13, chapter 36, Arizona Revised Statutes, is  
3 amended by adding section 13-3603.03, to read:

4 13-3603.03. Detectable heartbeat abortion; classification;  
5 civil action; definitions

6 A. ANY PHYSICIAN WHO KNOWINGLY PERFORMS AN ABORTION AFTER  
7 DETERMINING THAT THE BABY HAS A DETECTABLE HEARTBEAT KILLS A HUMAN BEING  
8 AND IS GUILTY OF A CLASS 3 FELONY.

9 B. A PERSON WHO ASSISTS A PHYSICIAN IN PERFORMING AN ABORTION IN  
10 VIOLATION OF SUBSECTION A OF THIS SECTION IS GUILTY OF A CLASS 3 FELONY.

11 C. THIS SECTION DOES NOT APPLY TO A DETECTABLE HEARTBEAT ABORTION IF  
12 IT IS DETERMINED TO BE MEDICALLY NECESSARY TO SAVE THE LIFE OF A MOTHER  
13 WHOSE LIFE IS ENDANGERED BY A PHYSICAL DISORDER, PHYSICAL ILLNESS OR  
14 PHYSICAL INJURY, INCLUDING A LIFE-ENDANGERING PHYSICAL CONDITION CAUSED BY  
15 OR ARISING FROM THE PREGNANCY ITSELF.

16 D. THE FATHER OF THE BABY, IF THE MOTHER IS NOT AT LEAST EIGHTEEN  
17 YEARS OF AGE AT THE TIME OF THE DETECTABLE HEARTBEAT ABORTION, MAY BRING A  
18 CIVIL ACTION TO OBTAIN APPROPRIATE RELIEF UNLESS THE PREGNANCY RESULTED  
19 FROM THE PLAINTIFF'S CRIMINAL CONDUCT OR THE PLAINTIFF CONSENTED TO THE  
20 DETECTABLE HEARTBEAT ABORTION. RELIEF PURSUANT TO THIS SUBSECTION INCLUDES  
21 THE FOLLOWING:

1           1. MONEY DAMAGES FOR ALL INJURIES, PSYCHOLOGICAL AND PHYSICAL,  
2           RESULTING FROM THE VIOLATION OF THIS SECTION.

3           2. STATUTORY DAMAGES IN AN AMOUNT EQUAL TO TEN TIMES THE COST OF THE  
4           DETECTABLE HEARTBEAT ABORTION.

5           E. THIS SECTION SHALL NOT SUBJECT A WOMAN ON WHOM A DETECTABLE  
6           HEARTBEAT ABORTION IS PERFORMED TO ANY CRIMINAL PROSECUTION OR CIVIL  
7           LIABILITY.

8           F. A DEFENDANT WHO IS ACCUSED OF AN OFFENSE UNDER SUBSECTION A OR B  
9           OF THIS SECTION MAY SEEK A HEARING BEFORE THE ARIZONA MEDICAL BOARD IF THE  
10          DEFENDANT IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR THE ARIZONA BOARD  
11          OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY IF THE DEFENDANT IS  
12          LICENSED PURSUANT TO TITLE 32, CHAPTER 17 ON WHETHER THE PHYSICIAN'S  
13          CONDUCT WAS NECESSARY TO SAVE THE LIFE OF THE MOTHER WHOSE LIFE WAS  
14          ENDANGERED BY A PHYSICAL DISORDER, PHYSICAL ILLNESS OR PHYSICAL INJURY,  
15          INCLUDING A LIFE-ENDANGERING PHYSICAL CONDITION CAUSED BY OR ARISING FROM  
16          THE PREGNANCY ITSELF. THE FINDINGS ON THAT ISSUE ARE ADMISSIBLE, IN THE  
17          COURT'S DISCRETION, ON THAT ISSUE AT THE TRIAL OF THE DEFENDANT. ON A  
18          MOTION OF THE DEFENDANT, THE COURT, IN ITS DISCRETION, SHALL DELAY THE  
19          BEGINNING OF THE TRIAL FOR NOT MORE THAN THIRTY DAYS TO PERMIT A HEARING TO  
20          TAKE PLACE.

21          G. FOR THE PURPOSES OF THIS SECTION:

22           1. "DETECTABLE HEARTBEAT ABORTION" MEANS AN ABORTION IN WHICH THE  
23           PERSON PERFORMING THE ABORTION DOES BOTH OF THE FOLLOWING:

1 (a) COMPLIES WITH SECTIONS 36-2152, 36-2153, 36-2156 AND 36-2158 OR  
2 DELIBERATELY AND INTENTIONALLY DISREGARDS THE REQUIREMENTS PRESCRIBED IN  
3 SECTION 36-2152, 36-2153, 36-2156 OR 36-2158 WITH THE INTENTION AND FOR THE  
4 PURPOSE OF PERFORMING AN OVERT ACT THAT THE PERSON KNOWS WILL KILL THE  
5 LIVING BABY WHO IS OF A GESTATIONAL AGE TO HAVE A DETECTABLE HEARTBEAT.

6 (b) PERFORMS THE OVERT ACT, OTHER THAN COMPLETION OF DELIVERY, THAT  
7 KILLS THE DELIVERED LIVING BABY.

8 2. "PHYSICIAN" MEANS A DOCTOR OF MEDICINE OR A DOCTOR OF OSTEOPATHY  
9 WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR ANY OTHER  
10 INDIVIDUAL LEGALLY AUTHORIZED BY THIS STATE TO PERFORM ABORTIONS. PHYSICIAN  
11 INCLUDES AN INDIVIDUAL WHO IS NOT A PHYSICIAN OR WHO IS NOT OTHERWISE  
12 LEGALLY AUTHORIZED BY THIS STATE TO PERFORM ABORTIONS BUT WHO NEVERTHELESS  
13 DIRECTLY PERFORMS A DETECTABLE HEARTBEAT ABORTION."

14 Amend title to conform

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03/29/2021  
3:25 PM  
C: sp