

REFERENCE TITLE: **dismemberment abortion; prohibited**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1347

Introduced by
Senator Rogers

AN ACT

AMENDING TITLE 13, CHAPTER 36, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3603.03; 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. Title 13, chapter 36, Arizona Revised Statutes, is
3 amended by adding section 13-3603.03, to read:

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

6 A. A PHYSICIAN WHO KNOWINGLY PERFORMS A DISMEMBERMENT ABORTION AND
7 THEREBY KILLS A HUMAN CHILD IS GUILTY OF A CLASS 6 FELONY AND SHALL BE
8 FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN TWO YEARS, OR BOTH.

9 B. THIS SECTION DOES NOT APPLY TO A DISMEMBERMENT ABORTION THAT IS
10 NECESSARY TO SAVE THE LIFE OF A MOTHER WHOSE LIFE IS ENDANGERED BY A
11 PHYSICAL DISORDER, PHYSICAL ILLNESS OR PHYSICAL INJURY, INCLUDING A
12 LIFE-ENDANGERING PHYSICAL CONDITION CAUSED BY OR ARISING FROM THE
13 PREGNANCY ITSELF.

14 C. THE FATHER OF THE CHILD IF MARRIED TO THE MOTHER AT THE TIME SHE
15 RECEIVES A DISMEMBERMENT ABORTION PROCEDURE AND THE MATERNAL GRANDPARENTS
16 OF THE CHILD IF THE MOTHER IS NOT AT LEAST EIGHTEEN YEARS OF AGE AT THE
17 TIME OF THE DISMEMBERMENT ABORTION MAY BRING A CIVIL ACTION TO OBTAIN
18 APPROPRIATE RELIEF UNLESS THE PREGNANCY RESULTED FROM THE PLAINTIFF'S
19 CRIMINAL CONDUCT OR THE PLAINTIFF CONSENTED TO THE DISMEMBERMENT ABORTION.
20 RELIEF PURSUANT TO THIS SUBSECTION INCLUDES THE FOLLOWING:

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

23 2. STATUTORY DAMAGES IN AN AMOUNT EQUAL TO THREE TIMES THE COST OF
24 THE DISMEMBERMENT ABORTION.

25 D. THIS SECTION DOES NOT SUBJECT A WOMAN ON WHOM A DISMEMBERMENT
26 ABORTION IS PERFORMED TO ANY CRIMINAL PROSECUTION OR CIVIL LIABILITY.

27 E. A DEFENDANT WHO IS ACCUSED OF AN OFFENSE UNDER THIS SECTION MAY
28 SEEK A HEARING BEFORE THE ARIZONA MEDICAL BOARD IF THE DEFENDANT IS
29 LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR THE ARIZONA BOARD OF
30 OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY IF THE DEFENDANT IS LICENSED
31 PURSUANT TO TITLE 32, CHAPTER 17 ON WHETHER THE PHYSICIAN'S CONDUCT WAS
32 NECESSARY TO SAVE THE LIFE OF THE MOTHER WHOSE LIFE WAS ENDANGERED BY A
33 PHYSICAL DISORDER, PHYSICAL ILLNESS OR PHYSICAL INJURY, INCLUDING A
34 LIFE-ENDANGERING PHYSICAL CONDITION CAUSED BY OR ARISING FROM THE
35 PREGNANCY ITSELF. THE FINDINGS ON THAT ISSUE ARE ADMISSIBLE, IN THE
36 COURT'S DISCRETION, ON THAT ISSUE AT THE TRIAL OF THE DEFENDANT. ON A
37 MOTION OF THE DEFENDANT, THE COURT, IN ITS DISCRETION, SHALL DELAY THE
38 BEGINNING OF THE TRIAL FOR NOT MORE THAN THIRTY DAYS TO PERMIT A HEARING
39 TO TAKE PLACE.

40 F. FOR THE PURPOSES OF THIS SECTION:

41 1. "DISMEMBERMENT ABORTION":

42 (a) MEANS AN ABORTION THAT IS PERFORMED FOR THE PURPOSE OF KILLING A
43 LIVING CHILD, WHERE THE LIVING CHILD IS EXTRACTED ONE PIECE AT A TIME FROM
44 THE UTERUS THROUGH CLAMPS, GRASPING FORCEPS, TONGS, SCISSORS OR OTHER
45 SIMILAR INSTRUMENTS AND THAT, THROUGH THE CONVERGENCE OF TWO RIGID LEVERS,

1 SLICES, CRUSHES OR GRASPS A PORTION OF THE CHILD'S BODY TO CUT OR RIP IT
2 OFF.

3 (b) DOES NOT INCLUDE AN ABORTION THAT USES SUCTION TO DISMEMBER A
4 CHILD BY SUCKING FETAL PARTS INTO A COLLECTION CONTAINER.

5 2. "PHYSICIAN" MEANS A DOCTOR OF MEDICINE OR A DOCTOR OF OSTEOPATHY
6 WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR ANY OTHER
7 INDIVIDUAL LEGALLY AUTHORIZED BY THIS STATE TO PERFORM ABORTIONS. ANY
8 INDIVIDUAL WHO IS NOT A PHYSICIAN OR WHO IS NOT OTHERWISE LEGALLY
9 AUTHORIZED BY THIS STATE TO PERFORM ABORTIONS BUT WHO NEVERTHELESS
10 DIRECTLY PERFORMS A DISMEMBERMENT ABORTION IS SUBJECT TO THIS SECTION.