

Regular Session, 2013

HOUSE BILL NO. 278

BY REPRESENTATIVE HODGES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDRENS CODE: Adds coercion of a female child to undergo an abortion as a defined form of child abuse

1 AN ACT

2 To amend and reenact Children's Code Article 1569(A)(1) and to enact Children's Code
3 Article 603(1)(d), (26), and (27), relative to child abuse; to add coerced abortion to
4 the definition of abuse; to define abortion; to define coerced abortion; to authorize
5 a court to issue a temporary restraining order prohibiting activities associated with
6 a coerced abortion; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 1569(A)(1) is hereby amended and reenacted and
9 Children's Code Article 603(1)(d), (26), and (27) are hereby enacted to read as follows:

10 Art. 603. Definitions

11 As used in this Title:

12 (1) "Abuse" means any one of the following acts which seriously endanger
13 the physical, mental, or emotional health and safety of the child:

14 * * *

15 (d) A coerced abortion conducted upon a child.

16 * * *

17 (26) "Abortion" means that procedure as defined in R.S. 40:1299.35.1.

18 (27) "Coerced abortion" means the use of force, intimidation, threat of force,
19 threat of deprivation of food and shelter, or the deprivation of food and shelter by a

1 parent or any other person in order to compel a female child to undergo an abortion
2 against her will.

3 * * *

4 Art. 1569. Temporary restraining order

5 A. Upon good cause shown in an ex parte proceeding, the court may enter
6 a temporary restraining order, without bond, as it deems necessary to protect from
7 abuse the petitioner, any children, or any person alleged to be an incompetent.
8 Immediate and present danger of abuse shall constitute good cause for purposes of
9 this Article. The order may include but is not limited to the following:

10 (1)(a) Directing the defendant to refrain from abusing, harassing, or
11 interfering with the person or employment or going near the residence or place of
12 employment of the petitioner, the children, or any person alleged to be incompetent,
13 on whose behalf a petition was filed under this Chapter.

14 (b) Directing the defendant to refrain from activities associated with a
15 coerced abortion as defined in Article 603.

16 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hodges

HB No. 278

Abstract: Adds coercion of a female child to undergo an abortion as a defined form of child abuse.

Present law defines "abuse" as any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

- (1) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
- (2) The exploitation or overwork of a child by a parent or any other person.
- (3) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.

Proposed law retains present law and adds a coerced abortion conducted upon a child.

Proposed law defines "abortion" as the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child, except if done with the intent to:

- (1) Save the life or preserve the health of an unborn child.
- (2) Remove a dead unborn child or induce delivery of the uterine contents in case of a positive diagnosis, certified in writing in the woman's medical record along with the results of an obstetric ultrasound test, that the pregnancy has ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage.
- (3) Remove an ectopic pregnancy.

Proposed law defines "coerced abortion" as the use of force, intimidation, threat of force, threat of deprivation of food and shelter, or the deprivation of food and shelter by a parent or any other person in order to compel a female child to undergo an abortion against her will.

Present law authorizes the court to enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any children, or any person alleged to be an incompetent. The order may direct the defendant to refrain from abusing, harassing, or interfering with the person or employment or going near the residence or place of employment of the petitioner, the children, or any person alleged to be incompetent, on whose behalf a petition has been filed.

Proposed law retains present law and authorizes the court to also include an order directing the defendant to refrain from activities associated with a coerced abortion as defined in proposed law.

(Amends Ch.C. Art. 1569(A)(1); Adds Ch.C. Art. 603(1)(d), (26), and (27))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Added the threat of deprivation of food and shelter to the definition of "coerced abortion".