

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 333 by Senator Johns

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" insert "Children's Code Article 1015(3)(c)," and change
3 "465(A)(26)" to "465(A)(16) and (26)"

4 AMENDMENT NO. 2

5 On page 1, line 3, change "and (h), R.S. 14:2(B)(40)," to ", R.S. 13:5713(F), R.S. 14:"

6 AMENDMENT NO. 3

7 On page 1, line 4, change "537(A) and (B)," to "537,"

8 AMENDMENT NO. 4

9 On page 1, line 5, after "571.3(B)(4)(d) and (e)," delete the remainder of the line and insert
10 the following:

11 "R.S. 40:1299.34.5(B)(3), (C), and (E), 1299.35.2(D)(2)(d) and (E), 1299.35.7(B)
12 and (D), and 1300.13(E)(6), and to repeal Children's Code Articles 855(B)(7)(f) and
13 884.1(A)(6), Code of Criminal Procedure Article 648(B)(3)(h), R.S. 14:2(B)(40), 78
14 and 78.1, and R.S. 15:541(25)(d) and"

15 AMENDMENT NO. 5

16 On page 1, between lines 11 and 12, insert the following:

17
18 "Section 1. Article 1015(3)(c) of the Children's Code is hereby amended and
19 reenacted to read as follows:

20 Art. 1015. Grounds

21 The grounds for termination of parental rights are:

22 * * *

23 (3) Misconduct of the parent toward this child or any other child of the parent or any
24 other child which constitutes extreme abuse, cruel and inhuman treatment, or grossly
25 negligent behavior below a reasonable standard of human decency, including but not
26 limited to the conviction, commission, aiding or abetting, attempting, conspiring, or
27 soliciting to commit any of the following:

28 * * *

29 (c) Aggravated incest **crime against nature as provided in R.S. 14:89.1(B)** .

30 * * *

31 AMENDMENT NO. 6

32 On page 1, line 12, change "Section 1." to "Section 2." and "465(A)(26)" to "465(A)(16) and
33 (26)"

34 AMENDMENT NO. 7

35 On page 1, line 13, delete "and (h)"

36 AMENDMENT NO. 8

37 On page 1, after line 17, insert the following:

1 "16. Crime Against Nature - A.B. committed crime against nature with C.D., **his**
2 (state relationship, if any) by
3 (describe the act)."
4 * * *

5 AMENDMENT NO. 9

6 On page 2, delete lines 1 through 3 in their entirety and insert the following:

7 "26. ~~Incest~~ **Aggravated Crime Against Nature** - A.B. committed ~~incest~~ **aggravated**
8 **crime against nature** with C.D., his _____ (state relationship, **if any**)
9 **by** _____ **(describe the act).**"

10 AMENDMENT NO. 10

11 On page 3, delete lines 14 and 15 in their entirety.

12 AMENDMENT NO. 11

13 On page 3, between lines 16 and 17, insert the following:

14
15 "Section 3. R.S. 13:5713(F) is hereby amended and reenacted to read as follows:
16 §5713. Duty to hold autopsies, investigations, etc.
17 * * *
18 F. The coroner or his designee shall examine all alleged victims of rape, carnal
19 knowledge, sexual battery, ~~incest~~, and crime against nature when such cases are
20 under police investigation.
21 * * *"

22 AMENDMENT NO. 12

23 On page 3, line 17, change "Section 2. R.S. 14:2(B)(40)," to "Section 4. R.S. 14:"

24 AMENDMENT NO. 13

25 On page 3, delete lines 19 through 29, and on page 4, delete lines 1 and 2

26 AMENDMENT NO. 14

27 On page 6, line 22, change "**B. Aggravated**" to "**B.(1) Aggravated**"

28 AMENDMENT NO. 15

29 On page 6, line 27, change "**(1)**" to "**(a)**"

30 AMENDMENT NO. 16

31 On page 7, line 4, change "**(2)**" to "**(b)**"

32 AMENDMENT NO. 17

33 On page 7, line 7, change "**(3)**" to "**(2)**" and change "**Paragraph**" to "**Subsection**"

34 AMENDMENT NO. 18

35 On page 8, line 26, change "Section 3." to "Section 5." and change "537(A) and (B)," to
36 "537,"

37 AMENDMENT NO. 19

38 On page 10, line 5, after "**involving**" insert "**certain**"

1 AMENDMENT NO. 20

2 On page 11, at the end of line 21 after "involving" insert "certain"

3 AMENDMENT NO. 21

4 On page 12, line 8, after "involving" insert "certain"

5 AMENDMENT NO. 22

6 On page 12, between lines 10 and 11, insert the following:

7 "Section 6. R.S. 40:1299.34.5(B)(3), (C), and (E), 1299.35.2(D)(2)(d) and (E),
8 1299.35.7(B) and (D), and 1300.13(E)(6) are hereby amended and reenacted to read
9 as follows:

10 §1299.34.5. Use of public funds

11 * * *

12 B. Notwithstanding any other provision of law to the contrary, no public funds made
13 available to any institution, board, commission, department, agency, official, or
14 employee of the state of Louisiana, or of any local political subdivision thereof,
15 whether such funds are made available by the government of the United States, the
16 state of Louisiana, or a local governmental subdivision, or from any other public
17 source, shall be used in any way for, to assist in, or to provide facilities for an
18 abortion, except for any of the following:

19 * * *

20 (3) Whenever the abortion is being sought to terminate a pregnancy resulting from
21 an alleged act of incest **crime against nature as provided in R.S. 14:89(A)(2)** and
22 all of the requirements of R.S. 40:1299.35.7(B) are met.

23 C. The secretary of the Department of Health and Hospitals shall promulgate rules
24 to insure that no funding of any abortion shall be made based upon a claim of rape
25 or incest **crime against nature as provided in R.S. 14:89(A)(2)** until the applicable
26 requirements of R.S. 40:1299.35.7 have been complied with and written verification
27 has been obtained from the physician performing the abortion and from the law
28 enforcement official to whom the report is made, if applicable.

29 * * *

30 E. If Subsections B and C and R.S. 40:1299.35.7 become effective and subsequently
31 the federal requirement for acceptance of Medicaid funds, that public funds be made
32 available for abortions resulting from pregnancy due to rape or incest **crime against**
33 **nature as provided in R.S. 14:89(A)(2)**, is no longer applicable to the state of
34 Louisiana, then on the same day, the provisions of Subsections B and C and R.S.
35 40:1299.35.7 shall be superseded and the provisions of Subsection A shall be
36 effective to the fullest extent allowed by law.

37 * * *

38 §1299.35.2. Abortion by physician; determination of viability; ultrasound test
39 required; exceptions; penalties

40 * * *

41 D.

* * *

42 (2) Requirements. At least twenty-four hours prior to the woman having any part of
43 an abortion performed or induced, and prior to the administration of any anesthesia
44 or medication in preparation for the abortion on the woman, the physician who is to
45 perform the abortion or a qualified person who is the physician's agent shall comply
46 with all of the following requirements:

47 * * *

48 (d) Prior to the ultrasound, obtain from the pregnant woman a copy of a completed,
49 signed, and dated election form. The election form shall be produced and made
50 available by the department, and shall state as follows:

51 "Ultrasound Before Abortion Notice and Election Form

52 Louisiana law requires an ultrasound examination prior to the performance of an
53 abortion. By signing below, I certify that I understand the following:

- 1 (1) I have the option to look at or look away from the ultrasound display at any
- 2 time.
- 3 (2) I have the option to listen to the heartbeat of the unborn child that is required
- 4 to be made audible unless I decline by initialing here: _____.
- 5 (3) I am required by law to hear an oral explanation of the ultrasound images,
- 6 unless I certify below that I am pregnant due to an act of rape or **incest crime**
- 7 **against nature as provided in R.S. 14:89(A)(2)** .
- 8 (4) I have the option to ask and receive answers to any questions about the
- 9 images of the unborn child.
- 10 (5) I have the option to ask for an ultrasound photographic print depicting the
- 11 unborn child.

12 _____

13 Signature Date

14 OPTION FOR WOMEN WHO HAVE FILED LAW ENFORCEMENT REPORTS:
 15 I certify that I have reported an act of rape or **incest crime against nature as**
 16 **provided in R.S. 14:89(A)(2)** to law enforcement officials, and that I decline to hear
 17 an oral explanation of the ultrasound images.

18 _____

19 Signature Date

20 * * *

21 E. Pregnant rape survivors or victims of **incest crime against nature as provided**
 22 **in R.S. 14:89(A)(2)** who have reported the act to law enforcement officials shall
 23 have the opportunity to opt out of the oral explanation provisions of Subparagraph
 24 D(2)(b) of this Section, in addition to having the same options to view or listen to the
 25 required medical information as provided in Paragraph D(3) of this Section.

26 * * *

27 §1299.35.7. Abortion sought due to rape or **incest crime against nature**; reporting
 28 and certification

29 * * *

30 B. Whenever an abortion is being sought pursuant to R.S. 40:1299.34.5 to terminate
 31 a pregnancy resulting from an alleged act of **incest**, prior to the abortion all of the
 32 following requirements shall be met:

33 (1) The victim of **incest crime against nature as provided in R.S. 14:89(A)(2)**
 34 shall report the act of incest to a law enforcement official unless the treating
 35 physician certifies in writing that in the physician's professional opinion the victim
 36 was too physically or psychologically incapacitated to report the incest.

37 (2) The victim certifies that the pregnancy is the result of **incest crime against**
 38 **nature as provided in R.S. 14:89(A)(2)**, which certificate shall be witnessed by the
 39 treating physician.

40 * * *

41 D. Whenever an abortion is being sought pursuant to R.S. 40:1299.34.5 to terminate
 42 a pregnancy resulting from an alleged act of rape or **incest crime against nature as**
 43 **provided in R.S. 14:89(A)(2)**, the victim may request spiritual counseling and shall
 44 be offered the same informed consent information, without the twenty-four-hour
 45 delay, contained in R.S. 40:1299.35.6(B), prior to the performance of the abortion.

46 * * *

47 §1300.13. HIV-related testing; consent; exceptions

48 * * *

49 E. The provisions of Subsections A through D shall not apply to the performance of
 50 an HIV-related test:

51 * * *

52 (6) On any person who has been arrested, indicted, or convicted for the crimes of
 53 aggravated rape, forcible rape, simple rape, or **incest crime against nature as**
 54 **provided in R.S. 14:89(A)(2)** when required by a court to undergo an HIV-related
 55 test.

56 * * *"

1 AMENDMENT NO. 23

2 On page 12, line 11, change "Section 4. R.S. 14:" to "Section 7. Children's Code Articles
3 855(B)(7)(f) and 884.1(A)(6), Code of Criminal Procedure Article 648(B)(3)(h), R.S.
4 14:2(B)(40),"

5 AMENDMENT NO. 24

6 On page 12, line 13, change "Section 5." to "Section 8."