

2017 Regular Session

SENATE BILL NO. 128

BY SENATOR MILKOVICH

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

CRIME/PUNISHMENT. Prohibits cutting, resection, excision, harvesting, or removal of a body part, organ, or tissue of an aborted unborn child for sale, commerce, transport, research, or profit. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:87.3(C) and (D) and to enact R.S. 14:87.3(E), to prohibit
3 cutting, resection, excision, harvesting, or removing a body part, organ, or tissue of
4 an aborted unborn child for sale, commerce, transport, research, or profit; to provide
5 penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:87.3(C) and (D) are hereby amended and reenacted and R.S.
8 14:87.3(E) is hereby enacted to read as follows:

9 §87.3. Prohibited cutting, resection, excision, harvesting, removal, sale, receipt,
10 research, commerce, or transport of fetal organs, tissues, and body
11 parts

12 * * *

13 C. After an induced abortion has been completed, no person shall
14 intentionally cut, resection, excise, harvest, or remove any body part, organ, or
15 tissue of the aborted unborn child for any purpose prohibited by this Section,
16 or for sale, commerce, transport, research, or profit.

17 D.(1) Nothing in this Section shall be construed to prohibit any transaction

1 related to the final disposition of the bodily remains of the aborted human being in
2 accordance with state law, or to prohibit any conduct permitted under state law that
3 is undertaken with any of the following purposes:

4 (a) The purpose of providing knowledge solely to the mother, such as for
5 pathological or diagnostic purposes.

6 (b) The purpose of providing knowledge solely to law enforcement officers,
7 such as the case of an autopsy following a feticide.

8 (2) Nothing in this Section shall be construed to prohibit the donation of
9 bodily remains from a human embryo or fetus whose death was caused by a natural
10 miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided
11 in applicable state and federal law.

12 (3) Nothing in this Section shall be construed to affect existing federal or
13 state law regarding the practice of abortion, or to create or recognize a right to
14 abortion.

15 ~~D.E.~~ Any person who violates this Section shall be sentenced to a term of
16 imprisonment at hard labor for not less than ten nor more than fifty years, at least ten
17 years of which shall be served without benefit of probation or suspension of
18 sentence, and may, in addition, be required to pay a fine of not more than fifty
19 thousand dollars.

20 Section 2. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 effective on the day following such approval.

The original instrument was prepared by Jerry J. Guillot. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Alden A. Clement, Jr.

compensation, or any other consideration:

- (1) Buy, sell, receive, or otherwise transfer or acquire a fetal organ or body part resulting from an induced abortion.
- (2) Transport with the intent to sell or otherwise transfer a fetal organ or body part resulting from an induced abortion.
- (3) Transport a fetal organ or body part resulting from an induced abortion that has been acquired by any person via any transaction prohibited by present law.

Proposed law provides that after an induced abortion has been completed, no person can intentionally cut, resection, excise, harvest, or remove any body part, organ, or tissue of the aborted unborn child for any purpose prohibited by present law or for sale, commerce, transport, research, or profit.

Proposed law otherwise retains present law.

Present law provides that nothing in present law can be construed to:

- (1) Prohibit any transaction related to the final disposition of the bodily remains of the aborted human being in accordance with state law, or to prohibit any conduct permitted under state law that is undertaken with any of the following purposes:
 - (a) The purpose of providing knowledge solely to the mother, such as for pathological or diagnostic purposes.
 - (b) The purpose of providing knowledge solely to law enforcement officers, such as the case of an autopsy following a feticide.
- (2) Prohibit the donation of bodily remains from a human embryo or fetus whose death was caused by a natural miscarriage or stillbirth, in accordance with the guidelines and prohibitions provided in applicable state and federal law.
- (3) Affect existing federal or state law regarding the practice of abortion, or to create or recognize a right to abortion.

Proposed law retains present law.

Present law provides that any person who violates present law is to be sentenced to a term of imprisonment at hard labor for between 10 and 50 years, at least 10 years of which must be served without benefit of probation or suspension of sentence, and may, in addition, be fined up to \$50,000.

Proposed law retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:87.3(C) and (D); adds R.S. 14:87.3(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Changes proposed law references from "aborted baby" to "aborted unborn child".

2. Changes proposed law prohibitions against the cutting, resection, harvesting, or removing of fetal body parts from "sale, commerce, transport, research, or profit" to "any purpose prohibited by" present law or "for sale, commerce, transport, research, or profit".