

2018 Regular Session

SENATE BILL NO. 534

BY SENATOR MILKOVICH

ABORTION. Defines abortion and feticide as "crimes of violence". (gov sig)

1 AN ACT

2 To enact R.S. 14:2(B)(48) through (52), relative to abortion and feticide; to define abortion  
3 and feticide as "crimes of violence"; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 14:2(B)(48) through (52) are hereby enacted to read as follows:

6 §2. Definitions

7 \* \* \*

8 B. In this Code, "crime of violence" means an offense that has, as an element,  
9 the use, attempted use, or threatened use of physical force against the person or  
10 property of another, and that, by its very nature, involves a substantial risk that  
11 physical force against the person or property of another may be used in the course  
12 of committing the offense or an offense that involves the possession or use of a  
13 dangerous weapon. The following enumerated offenses and attempts to commit any  
14 of them are included as "crimes of violence":

15 \* \* \*

16 **(48) Criminal abortion.**

17 **(49) First degree feticide.**

1                    **(50) Second degree feticide.**

2                    **(51) Third degree feticide.**

3                    **(52) Abortion.**

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 534 Engrossed

2018 Regular Session

Milkovich

Present law defines a "crime of violence" as an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. Present law enumerates present law offenses that are "crimes of violence".

Proposed law retains present law and designates the following as "crimes of violence":

- (1) Criminal abortion.
- (2) First degree feticide.
- (3) Second degree feticide.
- (4) Third degree feticide.
- (5) Abortion.

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

(Adds 14:2(B)(48) - (52))

Summary of Amendments Adopted by Senate

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

1. Delete proposed law relative to second degree murder and coerced abortion.
2. Make abortion and feticide crimes of violence.