House Bill No. 344

By Representative McCormick

Abortion: Prohibits the state and its political subdivisions from enforcing, administering, or cooperating with the decision and judgments of the United States Supreme Court in Roe v. Wade

An Act

To enact Chapter 1-B of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:200.61 through 200.65, relative to state administration; to provide relative to the authority of the state and its political subdivisions to enforce prohibitions against abortion; to prohibit the state and its political subdivisions from using any personnel or financial resources to enforce, administer, or cooperate with the decision and judgments of the Supreme Court of the United States in the case known as Roe v. Wade; to require enforcement of prohibitions against abortion without regard to Roe v. Wade; to provide for enforcement actions; to provide for penalties; to authorize civil actions for certain purposes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-B of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:200.61 through 200.65, is hereby enacted to read as follows:

Chapter 1-B. Prohibitions Against Abortion: Enforcement by State and Political Subdivisions Required

§200.61. Short title

This Chapter shall be known and may be cited as the "Roe v. Wade Is Unconstitutional Act".

Coding: Words in struck through type are deletions from existing law; words underscored are additions.
§200.62. Purpose

The purpose of this Chapter is to exercise the sovereign authority of this state, consistent with the Constitution of the United States, to declare and treat as void the opinions and judgments of the Supreme Court of the United States in Roe v. Wade, 410 U.S. 113 (1973), and its judicial progeny that claim to prohibit states from providing the equal protection of laws to people who have not yet been born.

§200.63. Use of public resources to enforce, administer, or cooperate with Roe v. Wade; prohibition

A. For purposes of this Section, "Roe v. Wade" means the opinions and judgments of the Supreme Court of the United States in Roe v. Wade, 410 U.S. 113 (1973), and its judicial progeny, past and future, including but not limited to Planned Parenthood v. Casey, 505 U.S. 833 (1992), and June Med. Servs. L.L.C. v. Russo, 140 S. Ct. 2103 (2020).

B. This state, pursuant to its sovereign authority, and all political subdivisions of this state are hereby prohibited from using any personnel or financial resources to enforce, administer, or cooperate with Roe v. Wade to prevent this state or its political subdivisions from protecting the lives of people who have not yet been born.

C. No government agency or official of this state or its political subdivisions, including any sheriff, deputy sheriff, or other law enforcement officer, shall give force or effect to any court order that conflicts with this Section. Cooperative agreements with federal agencies notwithstanding, no law enforcement agency or law enforcement officer in this state shall assist or cooperate in any way with the arrest or imprisonment of any government official or individual who complies with this Section and refuses to comply with any contrary court order. Such contrary orders shall include but not be limited to any order to levy upon property, seize bank accounts, arrest the person, or serve process for the purpose of causing any person to violate this Section, or for the purpose of punishing any person for the failure to comply with an order contrary to this section. A federal officer or agent who arrests
any Louisiana government official for compliance with this Section shall be subject
to arrest by Louisiana law enforcement.

D. This state and all political subdivisions thereof shall enforce prohibitions
against abortion without regard to Roe v. Wade.

E. The attorney general shall, upon a request of an employee or former
employee of the state or a political subdivision thereof, provide for the defense of
any action brought against such employee or former employee on account of an act
or omission in the scope of employment relating to this Section.

§200.64. Penalties

A. Whoever violates R.S. 49:200.63(B) or (C) shall be fined not more than
two thousand five hundred dollars per incidence or occurrence, or imprisoned for not
more than six months, or both.

B. Whoever violates any provision of this Chapter while acting in his official
capacity shall be subject to termination from employment if allowable under state
law. If such person is a public servant at the time of his conviction, he shall forfeit
his office.

§200.65. Civil actions authorized; special exemption for state and political
subdivisions in certain federal proceedings

A. Any aggrieved party may bring a civil action against any person who
violates or attempts to violate any provision of this Chapter.

B. This state and its political subdivisions, and agents thereof, shall not be
required to enter an appearance, special or otherwise, in any federal suit challenging
the provisions of this Chapter.

Section 2. In enacting this Act, it is the intent of the legislature to act in accordance
with the following provisions, among others, of the Constitution of Louisiana:

(A) "We, the people of Louisiana, grateful to Almighty God for the civil, political,
-economic, and religious liberties we enjoy, and desiring to protect individual rights to life,
-liberty, and property; afford opportunity for the fullest development of the individual; assure
-equality of rights; promote the health, safety, education, and welfare of the people; maintain
a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.” (Preamble.) (B) "All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.” (Article I, Section 1.) 

   (C) "No person shall be deprived of life, liberty, or property, except by due process of law." (Article I, Section 2.) (D) "To protect human life, nothing in this constitution shall be construed to secure or protect a right to abortion or require the funding of abortion." (Article I, Section 20.1.) Section 3. To protect the people's freedom and to preserve the checks and balances of the United States Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the Constitution of Louisiana by passing a bill in accordance with Article III, Section 15 of the Constitution of Louisiana and through pursuing any available legal remedy. Section 4. The legislature hereby finds and declares all of the following: 


   (B) The members of this legislature have solemnly sworn to support the constitution and laws of the United States and the constitution and laws of this state and to faithfully and impartially discharge and perform all the duties incumbent upon us, according to the best of our ability and understanding, so help us God.  

   (C) "This [United States] Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land . . .” (Article VI. Section 2. Constitution of the United States of America.)
(D) "The powers not delegated to the United States by the Constitution, nor
prohibited by it to the States, are reserved to the States respectively, or to the people."
(Tenth Amendment. Constitution of the United States of America.)
(E) Though prudence dictates that states should not declare actions of the federal
judiciary void for light or indefinite causes, the federal judiciary is not infallible nor are its
powers unlimited.
(F) Nothing in the Constitution of the United States of America provides for a right
to abortion of preborn human beings.
(G) The concept of the federal judiciary compelling states to allow the practice of
prenatal homicide runs completely contrary to the text and principles of the Constitution of
the United States.
(H) The power to authorize the genocide of more than sixty-two million preborn
human beings over the last forty-eight years is not within the legitimate powers of the federal
judiciary.
(I) Actions of the federal judiciary purporting to provide a right to abortion are not
made in pursuance of the Constitution of the United States of America, are consequently not
the supreme law of the land, and are therefore not binding upon this state.

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

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)]

HB 344 Original 2022 Regular Session McCormick

Abstract: Requires enforcement of prohibitions against abortion and prohibits the state and
its political subdivisions from using any personnel or financial resources to enforce,
administer, or cooperate with the decision and judgments of the U.S. Supreme Court
in the Roe v. Wade case.

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
Proposed law provides that it shall be known and may be cited as the "Roe v. Wade Is Unconstitutional Act". Provides for legislative findings and intent.

Proposed law establishes that its purpose is to exercise the sovereign authority of this state, consistent with the Constitution of the United States, to declare and treat as void the opinions and judgments of the Supreme Court of the United States in Roe v. Wade and its judicial progeny that claim to prohibit states from providing the equal protection of laws to people who have not yet been born. Provides that for purposes of proposed law, "Roe v. Wade" means the opinions and judgments of the Supreme Court of the United States in Roe v. Wade, 410 U.S. 113 (1973), and its judicial progeny, past and future, including, but not limited to, Planned Parenthood v. Casey, 505 U.S. 833 (1992), and June Med. Servs. L.L.C. v. Russo, 140 S. Ct. 2103 (2020).

Proposed law prohibits the state and all political subdivisions thereof from using any personnel or financial resources to enforce, administer, or cooperate with Roe v. Wade.

Proposed law prohibits all state and local government agencies and officials from giving force or effect to any court order that conflicts with proposed law. Provides that, cooperative agreements with federal agencies notwithstanding, no law enforcement agency or law enforcement officer in this state shall assist or cooperate in any way with the arrest or imprisonment of any government official or individual who complies with proposed law and refuses to comply with any contrary court order. Provides further that any federal officer or agent who arrests any La. government official for compliance with proposed law shall be subject to arrest by La. law enforcement.

Proposed law requires the state and all of its political subdivisions to enforce prohibitions against abortion without regard to Roe v. Wade.

Proposed law requires the attorney general, upon a request of an employee or former employee of the state or a political subdivision thereof, to provide for the defense of any action brought against such employee or former employee on account of an act or omission in the scope of employment relating to proposed law.

Proposed law provides that whoever violates proposed law shall be fined not more than $2,500 per incidence or occurrence, or imprisoned for not more than six months, or both. Provides further that whoever violates proposed law while acting in his official capacity shall be subject to termination from employment if allowable under present law. Requires that if a person who violates proposed law is a public servant at the time of his conviction, he shall forfeit his office.

Proposed law authorizes any aggrieved party to bring a civil action against any person who violates or attempts to violate any provision of proposed law.

Proposed law stipulates that the state and its political subdivisions shall not be required to enter an appearance in any federal suit challenging the provisions of proposed law.

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

(Adds R.S. 49:200.61-200.65)

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