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## DIGEST

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HB 813 Original

2022 Regular Session

McCormick

**Abstract:** Enacts the Abolition of Abortion in La. Act of 2022.

Present law defines "person" as including a human being from the moment of fertilization and implantation and also includes a body of persons, whether incorporated or not.

Proposed law amends the present law definition to define "person" as including a human being from the moment of fertilization.

Present law defines "unborn child" as any individual of the human species from fertilization and implantation until birth.

Proposed law amends present law to define "unborn child" as an individual human being from fertilization until birth.

Present law authorizes the defense of justification in certain circumstances, including when any crime, except murder, is committed through the compulsion of threats by another of death or great bodily harm, and the offender reasonably believes the person making the threats is present and would immediately carry out the threats if the crime were not committed.

Proposed law amends the above present law defense of justification to exclude murder where the victim is not an unborn child.

Proposed law provides that without limiting prosecutorial discretion, La. and all political subdivisions of the state shall enforce the provisions of present law without regard to the opinions and judgments of the Supreme Ct. of the U.S. 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 provides that present law provisions relating to prenatal homicide, assault, or battery, or regulating abortion or abortion facilities are not repealed but are superseded to the extent that the provisions conflict with or are inconsistent with proposed law.

Proposed law provides that pursuant to the powers granted to the Legislature by present constitution (Art. X, Part III), any judge of this state who purports to enjoin, stay, overrule, or void any provision of proposed law shall be subject to impeachment or removal.

Provides that the provisions of proposed law are nonseverable.

Provides that proposed law applies to crimes committed on or after the effective date of proposed law.

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

(Amends R.S. 14:2(A)(7) and (11) and 18(6); Adds R.S. 14:29.1 and 33.1)