The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Lebra Bias.

DIGEST

SB 342 Reengrossed

2022 Regular Session

Jackson

<u>Proposed law</u> provides that notwithstanding any other provision of law to the contrary, all laws or parts of laws prohibiting or regulating abortion in conflict with a provision of law subsequently enacted by the legislature prohibiting or regulating abortion are not repealed by the law subsequently enacted, and that a subsequently enacted law may expressly repeal other laws.

<u>Proposed law</u> further provides that all <u>present law</u> prohibiting or regulating abortion may not be construed to restrict a local governing authority from prohibiting or regulating abortion to the extent that the local ordinance is at least as stringent as <u>present laws</u> of this state unless <u>present law</u> explicitly provides that local governing authorities are prohibited from prohibiting or regulating abortion in the manner described by <u>present law</u>; further provides that unless otherwise specifically provided, the provisions of each act of the legislature prohibiting or regulating abortion are severable, whether or not a provision to that effect is included in the act, and if any provision or item of an act prohibiting or regulating abortion, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the act which can be given effect without the invalid provision, item, or application; further provides that <u>proposed law</u> shall apply to acts of the legislature affecting <u>present law</u>.

<u>Proposed law</u> provides that it shall be unlawful for a physician or other person to perform an abortion, with or without the consent of the pregnant female.

<u>Proposed law</u> provides definitions for "abortion", "physician", "gestational age", "late term abortion", and "unborn child".

<u>Proposed law</u> provides that whoever commits the crime of abortion shall be imprisoned at hard labor for not less than one year nor more than 10 years and shall be fined not less than \$10,000 nor more than \$100,000.

<u>Proposed law</u> provides that it shall be unlawful for a physician or other person to perform a late term abortion, with or without the consent of the pregnant female, and that whoever commits the crime of late term abortion shall be imprisoned at hard labor for not less than one year nor more than 15 years and shall be fined not less than \$20,000 nor more than \$200,000.

<u>Proposed law</u> does not apply to a pregnant female upon whom an abortion is committed or performed in violation of <u>proposed law</u> and the pregnant female cannot be held responsible for the criminal consequences of any violation of <u>proposed law</u>.

Proposed law does not apply to the sale, use, prescription, or administration of a contraceptive

measure, drug or chemical, if it is administered prior to the time when a pregnancy could be determined through conventional medical testing and if the contraceptive measure is sold, used, prescribed, or administered in accordance with manufacturer instructions.

<u>Proposed law</u> take effect and becomes operative immediately upon and to the extent that the U.S. Supreme Court upholds the authority of the states to prohibit abortions or by the adoption of an amendment to the U.S. Constitution that would restore to the state of Louisiana the authority to prohibit abortions.

<u>Proposed law</u> changes <u>present law</u> and provides that any person in violation of <u>present law</u> shall be prosecuted pursuant to the effective provisions of R.S. 14:87.7 and shall be subject to the penalties provided in R.S. 40:1061.29.

<u>Present law</u> provides that whoever violates <u>present law</u> shall be prosecuted pursuant to the effective provisions of R.S. 14:87 and shall be subject to the penalties provided in R.S. 40:1061.29.

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

(Adds R.S. 1:18, 14:87.7, and 87.8; amends R.S. 40:1061(D) and 1061.1.3(C); repeals R.S. 14:87)

Summary of Amendments Adopted by Senate

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

- 1. Amends and reenacts the crime of abortion.
- 2. Adds definition of "late-term abortion" and provides exceptions.
- 3. Adds 3 exceptions to late-term abortions.
- 4. Adds an effective date contingent upon action by the U.S. Supreme Court.
- 5. Makes technical changes.

Senate Floor Amendments to engrossed bill

- 1. Provides for penalties relative to crimes associated with abortion.
- 2. Creates the construction of laws relative to abortion.
- 3. Creates the crime of abortion.
- 4. Creates the crime of late term abortion.
- 5. <u>Present law</u> elements, definitions and penalties of the crime of abortion.

6. Makes technical changes.