

2023 Regular Session

HOUSE BILL NO. 549

BY REPRESENTATIVE GLOVER

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

ABORTION: Provides relative to termination of pregnancy that is the result of certain sex offenses

1 AN ACT

2 To amend and reenact R.S. 40:1061(G) through (J) and to enact R.S. 14:87.1(1)(b)(vii) and  
3 R.S. 40:1061(K), relative to abortion; to provide pregnancy termination as an  
4 exception when certain sexual offenses have been committed; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:87.1(1)(b)(vii) is hereby enacted to read as follows:

8 §87.1. Definitions

9 Wherever used in this Subpart, unless a different meaning clearly appears in  
10 the context, the following terms, whether used in the singular or plural, shall have  
11 the following meanings:

12 (1)

13 \* \* \*

14 (b) Abortion shall not mean any one or more of the following acts, if  
15 performed by a physician:

16 \* \* \*

17 (vii)(aa) The termination of a pregnancy that is the result of an act  
18 constituting a sex offense as defined in R.S. 15:541(24) or a sexual offense against  
19 a victim who is a minor as defined in R.S. 15:541(25).

20 (bb) This Item shall not be construed to require any of the following:

- 1                    (I) A police or investigatory report.
- 2                    (II) Forensic evidence provided by the pregnant female.
- 3                    (III) A prosecution of the alleged offense.
- 4                    (cc) Notwithstanding any other provision of law to the contrary, nothing in
- 5                    this Section shall be construed to negate or impair any provision of law relative to
- 6                    the mandatory reporting of crimes against children under the age of eighteen years.

\* \* \*

8                    Section 2. R.S. 40:1061(G) through (J) are hereby amended and reenacted and R.S.  
9 40:1061(K) is hereby enacted to read as follows:

10                    §1061. Abortion; prohibition

11                    \* \* \*

12                    G. It shall not be a violation of Subsection C of this Section to terminate a  
13 pregnancy that is the result of an act constituting an offense as listed in R.S.  
14 15:541(24) or (25).

15                    (1) This Subsection shall not be construed to require any of the following:

- 16                    (a) A police or investigatory report.
- 17                    (b) Forensic evidence provided by the pregnant female.
- 18                    (c) A prosecution of the alleged offense.

19                    (2) Notwithstanding any other provision of law to the contrary, nothing in  
20 this Subsection shall be construed to negate or impair any provision of law relative  
21 to the mandatory reporting of crimes against children under the age of eighteen  
22 years.

23                    H. Medical treatment provided to the mother by a licensed physician which  
24 results in the accidental or unintentional injury or death to the unborn child is not a  
25 violation of Subsection C of this Section.

26                    ~~H.~~ I. Nothing in this Section may be construed to subject the pregnant  
27 mother upon whom any abortion is performed or attempted to any criminal  
28 conviction and penalty.

1            † J. The terms as used in this Section have the same meaning as the  
2            definitions provided in R.S. 14:87.1.

3            † K. This Section shall be known, and may be cited, as the Human Life  
4            Protection Act.

## 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 549 Original

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Glover

**Abstract:** Adds rape and incest to the list of acts performed by a physician that shall not be considered an abortion.

Present law defines "abortion" and provides a list of acts performed by a physician that shall not, by definition, be considered acts of abortion.

Proposed law extends present law by providing that the termination of a pregnancy that is the result of an act constituting a sex offense or a sexual offense against a victim who is a minor as defined in present law shall not be considered an act of abortion.

Proposed law further provides that the provisions of proposed law shall not require any of the following:

- (1) A police or investigatory report.
- (2) Forensic evidence provided by the pregnant female.
- (3) A prosecution of the alleged offense.

Proposed law provides that nothing in proposed law shall be construed to negate or impair any provision of present law relative to the mandatory reporting of crimes against children under the age of 18 years.

(Amends R.S. 40:1061(G)-(J); Adds 14:87.1(1)(b)(vii) and R.S. 40:1061(K))