

2024 Regular Session

SENATE BILL NO. 276

BY SENATORS PRESSLY, ABRAHAM, BARROW, HODGES, KLEINPETER,  
MIGUEZ AND MORRIS

CRIME/PUNISHMENT. Creates the crime of coerced criminal abortion by means of fraud to prohibit a third-party from knowingly using an abortion-inducing drug to cause, or attempt to cause, an abortion on an unsuspecting pregnant mother without her knowledge or consent and amends various abortion criminal laws to add the crime of attempted abortion. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:87.7(A), 87.8(A), and 87.9(A) and to enact R.S. 14:87.6.1 and  
3 R.S. 15:1352(A)(71), relative to abortion; to create the crime of coerced criminal  
4 abortion by means of fraud; to provide relative to the crime of attempted abortion;  
5 to provide relative to the crime of attempted late term abortion; to provide relative  
6 to the crime of criminal abortion by means of abortion-inducing drugs; to provide  
7 penalties; to provide relative to the definition of crime racketeering activity; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:87.7(A), 87.8(A), and 87.9(A) are hereby amended and reenacted  
11 and R.S. 14:87.6.1 is hereby enacted to read as follows:

12 **§87.6.1. Coerced criminal abortion by means of fraud**

13 **A. Coerced criminal abortion by means of fraud is committed when a**  
14 **person knowingly and intentionally engages in the use or attempted use of an**  
15 **abortion-inducing drug on a pregnant woman, without her knowledge or**  
16 **consent, to cause an abortion.**

17 **B.(1) Except as provided in Paragraph (2) of this Subsection, whoever**

1 commits the crime of coerced criminal abortion by means of fraud shall be  
 2 imprisoned at hard labor for not less than five nor more than ten years, fined  
 3 not less than ten thousand nor more than seventy-five thousand dollars, or both.

4 (2) Whoever commits the crime of coerced criminal abortion by means  
 5 of fraud when the unborn child is more than three months of gestational age  
 6 and, therefore, substantially increases the pregnant woman's risk of death or  
 7 serious bodily harm due to the nonconsensual use of an abortion-inducing drug  
 8 on the pregnant woman, shall be imprisoned at hard labor for not less than ten  
 9 nor more than twenty years, fined not less than fifty thousand nor more than  
 10 one hundred thousand dollars, or both.

11 C. The prosecution of a person pursuant to this Section shall not be a  
 12 defense against the prosecution under any other provision of law, including  
 13 murder or attempted murder, should the person commit the crime of coerced  
 14 criminal abortion by means of fraud and the use of an abortion-inducing drug  
 15 results in the death or serious bodily injury of the pregnant woman.

§87.7. Abortion

17 A. It shall be unlawful for a physician or other person to perform or attempt  
 18 to perform an abortion, with or without the consent of the pregnant female.

\* \* \*

§87.8. Late term abortion

21 A. It shall be unlawful for a physician or other person to perform or attempt  
 22 to perform a late term abortion, with or without the consent of the pregnant female.

\* \* \*

§87.9. Criminal abortion by means of abortion-inducing drugs

25 A. Criminal abortion by means of an abortion-inducing drug is committed  
 26 when a person knowingly causes, or attempts to cause, an abortion to occur by  
 27 means of delivering, dispensing, distributing, or providing a pregnant woman with  
 28 an abortion-inducing drug.

\* \* \*

1 Section 2. R.S. 15:1352(A)(71) is hereby enacted to read as follows:

2 §1352. Definitions

3 A. As used in this Chapter, "racketeering activity" means committing,  
4 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating  
5 another person to commit any crime that is punishable under the following  
6 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform  
7 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

8 \* \* \*

9 **(71) R.S. 14:87.9 (Criminal abortion by means of abortion-inducing**  
10 **drug)**

11 \* \* \*

12 Section 3. This Act shall become effective upon signature by the governor or, if not  
13 signed by the governor, upon expiration of the time for bills to become law without signature  
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
16 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 Carla S. Roberts.

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DIGEST

SB 276 Engrossed

2024 Regular Session

Pressly

Proposed law creates the crime of criminal abortion by means of fraud and adds attempted abortion to certain criminal abortion statutes. Designates the crime of abortion by means of abortion-inducing drugs as a "racketeering activity".

Proposed law creates the crime of coerced criminal abortion by means of fraud and defines the elements as knowingly and intentionally engaging in the use, or attempted use, of an abortion-inducing drug on a pregnant woman, without her knowledge or consent, to cause an abortion. Provides that it is not a defense to prosecution if the attempt fails to cause the death of the unborn child. Provides that it is not a defense to the prosecution of murder or attempted murder if the person commits the crime of coerced criminal abortion by means of fraud and the use of an abortion-inducing drug results in the death or serious bodily injury of the pregnant woman. Creates an enhanced penalty if the unborn child is more than three months of gestational age and, therefore, substantially increases the pregnant woman's risk of death or serious bodily harm due to the nonconsensual use of an abortion inducing drug on the pregnant woman.

Present law provides that it is unlawful for a physician or other person to perform an abortion, with or without the consent of the pregnant female.

Proposed law amends present law to include attempted abortion as an additional crime.

Present law provides that it is unlawful for a physician or other person to perform a late term abortion, with or without the consent of the pregnant female.

Proposed law amends present law to include attempted late term abortion as an additional crime.

Present law provides that criminal abortion by means of an abortion-inducing drug is committed when a person knowingly causes an abortion to occur by means of delivering, dispensing, distributing, or providing a pregnant woman with an abortion-inducing drug.

Proposed law amends present law to include attempted criminal abortion by means of an abortion-inducing drug as an additional crime.

Present law provides for the definition of "racketeering activity" and provides for certain criminal offenses and otherwise retains present law.

Proposed law adds criminal abortion by means of abortion-inducing drugs to the definition of "racketeering activity".

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

(Amends R.S. 14:87.7(A), 87.8(A), 87.9(A); adds R.S. 14:87.6.1 and 15:1352(A)(71))