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DIGEST

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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. Further 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.

Proposed law provides that it is not a defense to prosecution if the attempt fails to cause the death of the unborn child. Further 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.

Proposed law 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 (R.S. 14:87.7) 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 (R.S. 14:87.8) 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 (R.S. 14:87.9) 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 (R.S. 15:1352) 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".

Present law (R.S. 40:964) provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

Proposed law amends present law to add mifepristone and misoprostol to Schedule IV .

Present law (R.S. 40:969) provides for prohibited acts and penalties relative to Schedule IV controlled dangerous substances.

Proposed law retains present law and provides that it shall not be a violation of present law for a pregnant woman to possess mifepristone or misoprostol for her own consumption.

Proposed law shall be cited and referred to as "The Catherine and Josephine Herring Act".

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

(Amends R.S. 14:87.7(A), 87.8(A), 87.9(A) and R.S.40:969(C); Adds R.S. 14:87.6.1, 15:1352(A)(71), and R.S. 40:964(Schedule IV)(F))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill:

1. Make technical changes.
2. Add mifepristone and misoprostol to Schedule IV of the Uniform Controlled Dangerous Substance Law.
3. Provide an exception to the unlawful possession of a Schedule IV controlled dangerous substance for a pregnant woman who possesses mifepristone or misoprostol for her own consumption.
4. Designate proposed law as "The Catherine and Josephine Herring Act".