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**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representatives DeWitt and Daniel to Reengrossed Senate Bill No. 33 by Senator Nevers

1 AMENDMENT NO. 1

2 Delete Amendment No. 5 in the set of House Committee Amendments proposed by the  
3 Administration of Criminal Justice Committee and adopted by the House on May 23, 2006.

4 AMENDMENT NO. 2

5 On page 1, line 4, after "mother;" and before the semicolon ";" insert "and when necessary  
6 to prevent substantial risk of death or permanent impairment under certain circumstances;"

7 AMENDMENT NO. 3

8 On page 1, line 6, after "severability;" and before "and" insert "to provide for exceptions;"

9 AMENDMENT NO. 4

10 On page 2, delete lines 24 and 25 in their entirety

11 AMENDMENT NO. 5

12 On page 2, line 26, delete "**Subsection C of this Section.**" and insert in lieu thereof the  
13 following:

14 **"F.(1) It shall not be a violation of Subsection C of this Section for a**  
15 **licensed physician to perform a medical procedure necessary in reasonable**  
16 **medical judgment to prevent the death or substantial risk of death due to a**  
17 **physical condition, or to prevent the serious, permanent impairment of a life-**  
18 **sustaining organ of a pregnant woman."**

19 AMENDMENT NO. 6

20 On page 2, at the end of line 28, change "**conventional**" to "**reasonable**"

21 AMENDMENT NO. 7

22 On page 2, after line 29, insert the following:

23 **"(2) It shall not be unlawful for a physician to perform a medical**  
24 **procedure provided for in Subsection C of this Section if performed under the**  
25 **following circumstances:**  
26 **(a) The physician terminates a pregnancy which is the result of incest**  
27 **as defined in R.S. 14:78, provided the crime is reported to law enforcement**  
28 **officials and the abortion is performed within thirteen weeks of conception.**  
29 **(b) The physician terminates a pregnancy which is the result of rape as**  
30 **defined in either R.S. 14:42, R.S. 14:42.1, or R.S. 14:43 and in which all of the**  
31 **following requirements are met prior to the pregnancy termination:**

1            (i) The rape victim obtains a physical examination and/or treatment  
 2 from a physician other than the physician who is to terminate the pregnancy  
 3 within five days of the rape to determine whether she was pregnant prior to the  
 4 rape and to prevent pregnancy and venereal disease, unless the rape victim is  
 5 incapacitated to such a degree that she is unable to obtain this examination. If  
 6 the victim is unable to obtain the examination due to such incapacity, then an  
 7 examination shall be performed within five days after the incapacity is  
 8 removed; and

9            (ii) The rape victim reports the rape to law enforcement officials within  
 10 seven days of the rape unless the victim is incapacitated to such a degree that  
 11 she is unable to report the rape. If the victim is unable to report the rape due  
 12 to such incapacity, then a report shall be made within seven days after the  
 13 incapacity is removed; and

14            (ii) The abortion is performed within thirteen weeks of conception."

15 AMENDMENT NO. 8

16 On page 4, after line 11, insert the following:

17            "(3) The physician terminates a pregnancy by performing a medical  
 18 procedure necessary in reasonable medical judgment to prevent the death or  
 19 substantial risk of death due to a physical condition, or to prevent the serious,  
 20 permanent impairment of a life-sustaining organ of a pregnant woman.

21            ~~(3)~~ (4) The physician terminates a pregnancy which is the result of rape as  
 22 defined in either R.S. 14:42, R.S. 14:42.1, or R.S. 14:43 and in which all of the  
 23 following requirements are met prior to the pregnancy termination:

24            (a) The rape victim obtains a physical examination and/or treatment from a  
 25 physician other than the physician who is to terminate the pregnancy within five days  
 26 of the rape to determine whether she was pregnant prior to the rape and to prevent  
 27 pregnancy and venereal disease, unless the rape victim is incapacitated to such a  
 28 degree that she is unable to obtain this examination. If the victim is unable to obtain  
 29 the examination due to such incapacity, then an examination shall be performed  
 30 within five days after the incapacity is removed; and

31            (b) The rape victim reports the rape to law enforcement officials within  
 32 seven days of the rape unless the victim is incapacitated to such a degree that she is  
 33 unable to report the rape. If the victim is unable to report the rape due to such  
 34 incapacity, then a report shall be made within seven days after the incapacity is  
 35 removed; and

36            (c) The abortion is performed within thirteen weeks of conception.

37            ~~(4)~~ (5)The physician terminates a pregnancy which is the result of incest as  
 38 defined in R.S. 14:78, provided the crime is reported to law enforcement officials  
 39 and the abortion is performed within thirteen weeks of conception.

40            C.(1) Prior to the performance of any abortion under Subsection (B)(3) or  
 41 (B)(4) of this Section, the physician who is to perform the abortion shall obtain from  
 42 the victim a statement in writing verifying that she has obtained the physical  
 43 examination and shall obtain written verification by a law enforcement official that  
 44 the victim reported the rape to law enforcement officials as required under this  
 45 Section.

46            (2) Every physician who conducts a physical examination of a rape victim  
 47 within five days of the rape shall immediately, upon written request of either the  
 48 victim or the physician who is to perform the abortion on the victim, provide to the  
 49 victim or the requesting physician written verification of his examination.

50            (3) Every law enforcement official who receives a report of a rape victim  
 51 within seven days of the rape or receives a report of incest shall immediately, upon  
 52 written request of either the victim or the physician who is to perform the abortion,  
 53 provide to the victim or requesting physician written verification of the report which  
 54 was made to the official. "

55 AMENDMENT NO. 9

1 On page 2, line 17, delete "C." and insert "D."

2 AMENDMENT NO. 10

3 On page 2, after line 18, insert the following:

4                   "(1) "Law enforcement official or officer" means any peace officer or agency  
5                   empowered to enforce the law in criminal matters within his or its respective  
6                   jurisdiction, including but not limited to a state police officer, sheriff, constable,  
7                   local police officer, and district attorney."

8 AMENDMENT NO. 11

9 On page 2, at the beginning of line 23, change "(1)" to "(2)"

10 AMENDMENT NO. 12

11 On page 2, at the beginning of line 25, change "(2)" to "(3)"

12 AMENDMENT NO. 13

13 On page 2, after line 26, insert the following:

14 "(4) "Conception" means the contact of spermatozoan with the ovum."

15 AMENDMENT NO. 14

16 On page 2, at the beginning of line 28, change "D." to "E."