

SB35 INTRODUCED



1 2JT8KK-1
2 By Senator Figures
3 RFD: Judiciary
4 First Read: 07-Mar-23
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Under existing law, abortion is prohibited except to prevent a serious health risk to the unborn child's mother.

This bill would create exceptions to the prohibition on abortion for pregnancies resulting from rape or incest.

A BILL
TO BE ENTITLED
AN ACT

Relating to abortion; to amend Sections 13A-13-7 and 26-23H-4, Code of Alabama 1975; to add certain exceptions to the abortion prohibition.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-13-7 and 26-23H-4, Code of Alabama 1975, are amended to read as follows:

"§13A-13-7

Any person who willfully administers to any pregnant woman any drug or substance or uses or employs any instrument or other means to induce an abortion, miscarriage or premature delivery or aids, abets or prescribes for the same, unless ~~the same~~ doing so is necessary to preserve ~~her~~ the mother's life or health ~~and done for that purpose~~ or unless the pregnancy is



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29 the result of an act of rape or incest, shall on conviction be
30 fined not less than \$100.00 nor more than \$1,000.00 and may
31 also be imprisoned in the county jail or sentenced to hard
32 labor for the county for not more than 12 months.

33 (1) For the purposes of this section, a person commits
34 rape if he or she does any of the following:

35 a. Engages in sexual intercourse with another person by
36 forcible compulsion.

37 b. Engages in sexual intercourse with another person
38 who is incapable of consent by reason of being incapacitated.

39 c. Being 16 years of age or older, engages in sexual
40 intercourse with another person who is less than 12 years old.

41 (2) For the purposes of this section, a person commits
42 incest if he or she engages in sexual intercourse with a
43 person he or she knows to be any of the following, either
44 legitimately or illegitimately:

45 a. His or her ancestor or descendant by blood or
46 adoption.

47 b. His or her brother or sister of the whole or
48 half-blood or by adoption.

49 c. His or her stepchild or stepparent, while the
50 marriage creating the relationship exists.

51 d. His or her aunt, uncle, nephew, or niece of the
52 whole or half-blood."

53 "§26-23H-4

54 (a) It shall be unlawful for any person to
55 intentionally perform or attempt to perform an abortion except



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56 as provided ~~for by~~ in subsection (b).

57 (b) (1) An abortion shall be permitted if an attending
58 physician licensed in Alabama determines that an abortion is
59 necessary in order to prevent a serious health risk to the
60 unborn child's mother. Except in the case of a medical
61 emergency as defined herein, the physician's determination
62 shall be confirmed in writing by a second physician licensed
63 in Alabama. The confirmation shall occur within 180 days after
64 the abortion is completed and shall be prima facie evidence
65 for a permitted abortion.

66 (2) An abortion shall be permitted if the pregnancy is
67 a result of rape or incest.

68 a. For the purposes of this section, an individual
69 commits rape if he or she does any of the following:

70 1. Engages in sexual intercourse with another
71 individual by forcible compulsion.

72 2. Engages in sexual intercourse with another
73 individual who is incapable of consent by reason of being
74 incapacitated.

75 3. Being 16 years of age or older, engages in sexual
76 intercourse with another individual who is less than 12 years
77 old.

78 b. For the purposes of this section, an individual
79 commits incest if he or she engages in sexual intercourse with
80 an individual he or she knows to be any of the following,
81 either legitimately or illegitimately:



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82 1. His or her ancestor or descendant by blood or
83 adoption.

84 2. His or her brother or sister of the whole or
85 half-blood or by adoption.

86 3. His or her stepchild or stepparent, while the
87 marrigae creating the relationship exists.

88 4. His or her aunt, uncle, nephew, or niece of the
89 whole or half-blood."

90 Section 2. This act shall become effective July 1,
91 2023, following its passage and approval by the Governor, or
92 its otherwise becoming law.