

House Engrossed

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2443

AN ACT

AMENDING TITLE 13, CHAPTER 36, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3603.02; AMENDING TITLE 36, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2156; RELATING TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 36, Arizona Revised Statutes, is amended
3 by adding section 13-3603.02, to read:

4 13-3603.02. Abortion; sex and race selection; injunctive and
5 civil relief; failure to report; definition

6 A. A PERSON SHALL NOT KNOWINGLY OR INTENTIONALLY:

7 1. PERFORM AN ABORTION KNOWING THAT THE ABORTION IS SOUGHT BASED ON
8 THE SEX OR RACE OF THE CHILD OR THE RACE OF A PARENT OF THAT CHILD.

9 2. USE FORCE OR THE THREAT OF FORCE TO INTENTIONALLY INJURE OR
10 INTIMIDATE ANY PERSON FOR THE PURPOSE OF COERCING A SEX-SELECTION OR
11 RACE-SELECTION ABORTION.

12 3. SOLICIT OR ACCEPT MONIES TO FINANCE A SEX-SELECTION OR
13 RACE-SELECTION ABORTION.

14 B. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY MAY BRING AN ACTION IN
15 SUPERIOR COURT TO ENJOIN THE ACTIVITY DESCRIBED IN SUBSECTION A OF THIS
16 SECTION.

17 C. THE FATHER OF THE UNBORN CHILD WHO IS MARRIED TO THE MOTHER AT THE
18 TIME SHE RECEIVES A SEX-SELECTION OR RACE-SELECTION ABORTION, OR, IF THE
19 MOTHER HAS NOT ATTAINED EIGHTEEN YEARS OF AGE AT THE TIME OF THE ABORTION,
20 THE MATERNAL GRANDPARENTS OF THE UNBORN CHILD, MAY BRING A CIVIL ACTION ON
21 BEHALF OF THE UNBORN CHILD TO OBTAIN APPROPRIATE RELIEF WITH RESPECT TO A
22 VIOLATION OF SUBSECTION A OF THIS SECTION. THE COURT MAY AWARD REASONABLE
23 ATTORNEY FEES AS PART OF THE COSTS IN AN ACTION BROUGHT PURSUANT TO THIS
24 SUBSECTION. FOR THE PURPOSES OF THIS SUBSECTION, "APPROPRIATE RELIEF"
25 INCLUDES MONETARY DAMAGES FOR ALL INJURIES, WHETHER PSYCHOLOGICAL, PHYSICAL
26 OR FINANCIAL, INCLUDING LOSS OF COMPANIONSHIP AND SUPPORT, RESULTING FROM THE
27 VIOLATION OF SUBSECTION A OF THIS SECTION.

28 D. A PHYSICIAN, PHYSICIAN'S ASSISTANT, NURSE, COUNSELOR OR OTHER
29 MEDICAL OR MENTAL HEALTH PROFESSIONAL WHO KNOWINGLY DOES NOT REPORT KNOWN
30 VIOLATIONS OF THIS SECTION TO APPROPRIATE LAW ENFORCEMENT AUTHORITIES SHALL
31 BE SUBJECT TO A CIVIL FINE OF NOT MORE THAN TEN THOUSAND DOLLARS.

32 E. A WOMAN ON WHOM A SEX-SELECTION OR RACE-SELECTION ABORTION IS
33 PERFORMED IS NOT SUBJECT TO CRIMINAL PROSECUTION OR CIVIL LIABILITY FOR ANY
34 VIOLATION OF THIS SECTION OR FOR A CONSPIRACY TO VIOLATE THIS SECTION.

35 F. FOR THE PURPOSES OF THIS SECTION, "ABORTION" HAS THE SAME MEANING
36 PRESCRIBED IN SECTION 36-2151.

37 Sec. 2. Title 36, chapter 20, article 1, Arizona Revised Statutes, is
38 amended by adding section 36-2156, to read:

39 36-2156. Affidavit

40 A PERSON SHALL NOT KNOWINGLY PERFORM OR INDUCE AN ABORTION BEFORE THAT
41 PERSON COMPLETES AN AFFIDAVIT THAT:

42 1. STATES THAT THE PERSON MAKING THE AFFIDAVIT IS NOT ABORTING THE
43 CHILD BECAUSE OF THE CHILD'S SEX OR RACE AND HAS NO KNOWLEDGE THAT THE CHILD
44 TO BE ABORTED IS BEING ABORTED BECAUSE OF THE CHILD'S SEX OR RACE.

45 2. IS SIGNED BY THE PERSON PERFORMING OR INDUCING THE ABORTION.

1 Sec. 3. Construction

2 This act does not establish or recognize a right to an abortion and
3 does not make lawful an abortion that is currently unlawful.

4 Sec. 4. Severability

5 If a provision of this act or its application to any person or
6 circumstance is held invalid, the invalidity does not affect other provisions
7 or applications of the act that can be given effect without the invalid
8 provision or application, and to this end the provisions of this act are
9 severable.

10 Sec. 5. Short title

11 This act may be cited as the "Susan B. Anthony and Frederick Douglass
12 Prenatal Nondiscrimination Act of 2011".