

1 SB220
2 201544-2
3 By Senators Figures, Beasley, Burkette, Smitherman, Singleton
4 and Coleman-Madison
5 RFD: Judiciary
6 First Read: 20-FEB-20

SYNOPSIS: Under Act 2019-189, effective November 15, 2019, abortion or attempted abortion is a felony except to prevent serious health risks to the mother.

This bill would repeal Act 2019-189.

A BILL
TO BE ENTITLED
AN ACT

Relating to abortion; to provide legislative findings; and to repeal Act 2019-189, 2019 Regular Session, now appearing as Chapter 23H of Title 26, Code of Alabama 1975, providing for criminal penalties for the performance of an abortion or attempted abortion.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

(1) Act 2019-189, enacted during the 2019 Regular Session, makes it a felony to perform an abortion or to

1 attempt an abortion, and other than an exception relating to
2 the health of the mother, the act provides no other exception
3 to the criminal penalties.

4 (2) This law has been immediately criticized as one
5 of the strictest abortion laws in the country and even
6 religious conservatives have questioned the lack of reasonable
7 exceptions to the prohibition; for example, televangelist Pat
8 Robertson has labeled the law as "extreme" and concludes that
9 Alabama has "gone too far."

10 (3) President Donald Trump has also questioned the
11 reach of this law; he tweeted, "I am strongly Pro-Life, with
12 the three exceptions - Rape, Incest and protecting the Life of
13 the mother - the same position taken by Ronald Reagan. . . ."

14 (4) The overreach of this law has already served as
15 the catalyst for a tarnished view of our state, which will
16 only serve to negatively impact tourism and our economy;
17 numerous groups are already calling for a boycott of our state
18 and other states and localities are choosing not to authorize
19 the spending of state resources on travel to our state.

20 (5) Proponents of the law readily concede that the
21 law is unconstitutional under existing caselaw and is headed
22 for a long and expensive court battle, which will, in turn,
23 unnecessarily cost the taxpayers of this state.

24 (6) Rather than spending state funds on unnecessary
25 and unfruitful legal battles, our resources would be better
26 preserved to address the immediate and urgent needs of
27 Alabamians in this state, including the following:

1 a. The infant mortality crisis; in 2017, Alabama had
2 the fourth worst infant mortality rate in the country: 7.4
3 deaths per 1,000 live births.

4 b. The rural health care crisis in this state; a
5 lack of access to health care in rural areas, access to
6 hospitals, and retention of physicians perpetuates poverty,
7 preventable diseases and illnesses, and is a significant
8 contributing factor to Alabama's 49th ranking in the nation
9 for life expectancy rates.

10 c. The health insurance crisis; this state's failure
11 to expand Medicaid has left more than 140,000 Alabamians
12 uninsured and without access to basic health care.

13 (7) On October 29, 2019, the United States District
14 Court for the Middle District of Alabama ruled that
15 enforcement of the act would irreparably harm those who
16 contemplated or sought, but could not lawfully obtain,
17 pre-viability abortion and preliminarily enjoined enforcement
18 of the act.

19 Section 2. Act 2019-189, 2019 Regular Session, now
20 appearing as Chapter 23H of Title 26, Code of Alabama 1975,
21 providing criminal penalties for the performance of an
22 abortion or attempted abortion, is repealed.

23 Section 3. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.