

# HB31 INTRODUCED



1 HB31  
2 NVFKJJJ-2  
3 By Representative Daniels  
4 RFD: Health  
5 First Read: 06-Feb-24  
6 PFD: 12-Jan-24



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SYNOPSIS:

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



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29 pregnancy is the result of an act of rape or incest, shall on  
30 conviction be fined not less than ~~-\$100.00~~ one hundred dollars  
31 (\$100) nor more than ~~-\$1,000.00~~ one thousand dollars (\$1,000)  
32 and may also be imprisoned in the county jail or sentenced to  
33 hard labor for the county for not more than 12 months.

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

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

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

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

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

47 a. His or her ancestor or descendant by blood or  
48 adoption.

49 b. His or her brother or sister of the whole or  
50 half-blood or by adoption.

51 c. His or her stepchild or stepparent, while the  
52 marriage creating the relationship exists.

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

55 "§26-23H-4

56 (a) It shall be unlawful for any person to



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57 intentionally perform or attempt to perform an abortion except  
58 as provided ~~for by~~ in subsection (b).

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

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

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

72 1. Engages in sexual intercourse with another  
73 individual by forcible compulsion.

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

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

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

84 1. His or her ancestor or descendant by blood or



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85 adoption.

86 2. His or her brother or sister of the whole or  
87 half-blood or by adoption.

88 3. His or her stepchild or stepparent, while the  
89 marriage creating the relationship exists.

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

92 Section 2. This act shall become effective on October  
93 1, 2024.