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TITLE OR DESCRIPTION: THE ALABAMA HUMAN LIFE PROTECTION ACT
BILL NUMBER: SB211 and HB314 - 2019 Regular Session
ANALYSIS BY: A. Eric Johnston
DATE: April 10, 2019

I. PURPOSE OF THE LEGISLATION

It is the purpose of this legislation to prohibit and criminalize abortion in Alabama. With the passage of Amendment 2 to the Alabama Constitution finding an unborn child to be a person and protected by Alabama's laws, enabling legislation is necessary to provide that protection. The Alabama Code already criminalizes the killing of an unborn child, except for abortion. This bill removes that exception.

II. EXPLANATION OF LEGISLATION BY SECTION

Section 1. The act is known as the "Alabama Human Life Protection Act."

Section 2. Legislative findings include the necessity of reversing the U.S. Supreme Court decision on *Roe v. Wade* which legalized abortion, recognizing Amendment 2 (as referenced above) and that all men are created equal, that medical science has increasingly recognized the humanity of the unborn child, including detection of heartbeat, ultrasound imaging and fetal photography showing the personhood of the unborn child, and the continuing dissent of judges and constitutional scholars over the baseless *Roe v. Wade* decision.

Section 3. Definitions are provided for operative words in the bill. The definitions are based on definitions already approved by the Alabama Legislature in prior legislation. These include abortion, serious health risks to the unborn child's mother (life, irreversible impairment of a major bodily function and suicide), and the definition of the unborn child (being an unborn child in utero – definition currently in the Alabama Criminal Code), avoids conflict with in vitro fertilization by requiring proof of the existence of the unborn child "in utero.")

Section 4. It is unlawful to perform or attempt to perform an abortion.

Section 5. As an exception, an abortion may be permitted to prevent "serious health risks" (life, major physical health and suicide) to the unborn child's mother. Such a determination requires confirmation by a second qualified physician or psychiatrist.

Section 6. The woman upon whom an abortion is performed is not criminally or civilly liable.

Section 7. Abortion is a Class A felony, or attempted abortion is a Class C felony.

Section 8. Alabama's existing law criminalizing abortion is repealed. Other provisions in laws that have been passed by the Alabama Legislature since 1987 will be repealed, once this statute is upheld by the courts. Until that time, those laws will remain in effect.

Section 9. Exemption from Amendment 621 requirements related to expenditure of funds.

Section 10. The Act becomes effective six months from approval of the Governor or by law.