

By: Representative Fleming

To: Public Health and Welfare; Judiciary B

HOUSE BILL NO. 207

1 AN ACT TO CREATE A NEW CODE SECTION THAT RESTRICTS THE PERIOD
2 OF TIME THAT AN ABORTION IS LEGAL AND PROVIDE PENALTIES FOR
3 VIOLATIONS; TO AMEND SECTION 41-41-73, MISSISSIPPI CODE OF 1972,
4 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. (1) A physician may perform an abortion during
7 the first trimester of pregnancy after the voluntary and informed
8 consent of the woman upon whom the abortion is to be performed.

9 (2) No abortion shall be performed during the second or
10 third trimester of pregnancy. This subsection shall not apply to
11 second trimester abortions that are necessary to save the life of
12 a mother whose life is endangered by a physical disorder, illness
13 or injury, or if the pregnancy is a result of rape or incest.

14 (3) As used in this section, the following terms shall have
15 the meanings ascribed in this subsection:

16 (a) "First trimester" means a period beginning at
17 gestation and ending at the third month of pregnancy.

18 (b) "Second trimester" means a period beginning at the
19 fourth month of pregnancy and ending at the sixth month.

20 (c) "Third trimester" means a period beginning at the
21 seventh month of pregnancy and ending at the ninth month.

22 (4) Any physician who knowingly performs an abortion in
23 violation of this section shall be guilty of a felony and, upon
24 conviction thereof, shall be fined not more that Twenty-five
25 Thousand Dollars (\$25,000.00) or imprisoned in the State
26 Penitentiary for not more than two (2) years, or both.

27 SECTION 2. Section 41-41-73, Mississippi Code of 1972, is
28 amended as follows:



29 41-41-73. (1) Any physician who knowingly performs a
30 partial-birth abortion and thereby kills a human fetus shall be
31 guilty of a felony and, upon conviction thereof, shall be fined
32 not more than Twenty-five Thousand Dollars (\$25,000.00) or
33 imprisoned in the State Penitentiary for not more than two (2)
34 years, or both. This subsection shall not apply to a
35 partial-birth abortion performed during the second trimester that
36 is necessary to save the life of a mother whose life is endangered
37 by a physical disorder, illness, or injury if no other medical
38 procedure would suffice for that purpose.

39 (2) (a) As used in this section, "partial-birth abortion"
40 means an abortion in which the person performing the abortion
41 partially vaginally delivers a living fetus before killing the
42 fetus and completing the delivery.

43 (b) As used in this section, "physician" means a doctor
44 of medicine or osteopathy legally authorized to practice medicine
45 and surgery by the State of Mississippi. However, any individual
46 who is not a physician but who nevertheless directly performs a
47 partial-birth abortion shall be subject to the provisions of this
48 section.

49 (3) (a) The husband of a mother at the time she receives a
50 partial-birth abortion procedure, and if the mother has not
51 attained the age of eighteen (18) years at the time of the
52 abortion, the mother's parents may in a civil action obtain
53 appropriate relief, unless the pregnancy resulted from the
54 plaintiff's criminal conduct or the plaintiff consented to the
55 abortion.

56 (b) Such relief shall include:

57 (i) Money damages for all injuries, psychological
58 and physical, occasioned by the violation of this section; and

59 (ii) Statutory damages equal to three (3) times
60 the cost of the partial-birth abortion.



61 (4) A woman upon whom a partial-birth abortion is performed
62 may not be prosecuted under this section for a conspiracy to
63 violate this section.

64 SECTION 3. Section 1 of this act shall be codified in
65 Chapter 41, Title 41, Mississippi Code of 1972.

66 SECTION 4. This act shall take effect and be in force from
67 and after July 1, 2001.

