
SUBSTITUTE HOUSE BILL 1031

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Sterk, Mulliken, Koster, Johnson, Thompson, D. Sommers, Boldt, Sheahan, Sherstad, Carrell, Bush, Smith, Chandler, D. Schmidt and Backlund)

Read first time 01/27/97.

1 AN ACT Relating to limiting late-term and partial-birth abortions;
2 adding a new section to chapter 9.02 RCW; creating a new section;
3 prescribing penalties; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act shall be known and cited as the
6 partial-birth abortion ban act of 1997.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.02 RCW
8 to read as follows:

9 (1) No person may intentionally perform a partial-birth abortion
10 and thereby terminate the life of a human fetus.

11 (2) As used in this section, "partial-birth abortion" means an
12 abortion in which the person performing the abortion partially
13 vaginally delivers a living fetus before terminating the life of the
14 fetus and completing the delivery.

15 (3) The mother, father, and if the mother has not attained the age
16 of eighteen years at the time of the abortion, the maternal
17 grandparents of the fetus, may in a civil action obtain appropriate
18 relief.

1 (4) Such relief shall include:

2 (a) Money damages for all injuries, psychological and physical,
3 occasioned by the violation of this section; and

4 (b) Statutory damages equal to three times the cost of the partial-
5 birth abortion, even if any party consented to the performance of an
6 abortion.

7 (5) A woman upon whom a partial-birth abortion is performed may not
8 be prosecuted under this section for a conspiracy to violate this
9 section, or an offense based on a violation of this section.

10 (6) It is an affirmative defense to a prosecution or a civil action
11 under this section, which must be proved by a preponderance of the
12 evidence, that the partial-birth abortion was performed by a physician
13 who reasonably believed:

14 (a) The partial-birth abortion was necessary to save the life of
15 the woman upon whom it was performed; and

16 (b) No other abortion procedure would suffice for that purpose.

17 A violation of this section is a class C felony.

18 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
19 preservation of the public peace, health, morals, or safety, or support
20 of the state government and its existing public institutions, and takes
21 effect immediately.

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