

6290-S

Sponsor(s): Senate Committee on Law & Justice (originally sponsored by Senators Benton, Zarelli, Stevens, McDonald, Oke, Schow and Roach)

Brief Title: Providing for parental notification and consent for abortions.

SB 6290-S.E - DIGEST

(AS OF SENATE 2ND READING 2/16/98)

Declares that the purpose of the legislature in enacting this parental notification law is to further the important and compelling state interests of: (1) Protecting the rights of parents to rear children who are members of their household;

(2) fostering family unity and preserving the family as a viable social unit; and

(3) reducing teenage pregnancy and unnecessary abortion.

Provides that a physician shall not perform an abortion upon an unemancipated minor or upon an incompetent person unless the physician has given forty-eight hours actual notification to a custodial parent or to the guardian of the pregnant unemancipated minor or pregnant incompetent person of the physician's intention to perform the abortion.

Provides that where there is a reason to believe the male who participated in creating the pregnancy is an unemancipated minor or an incompetent person, no person may perform an abortion until forty-eight hours after actual notification has been obtained from the custodial parent or guardian of the father.

Provides that if the pregnant unemancipated minor or pregnant incompetent person makes a written, signed declaration that she is a victim of sexual abuse, neglect, or physical abuse by either of her parents or her guardian, the physician intending to perform the abortion shall provide the notification and consent required by this act to a brother or sister of the unemancipated minor or incompetent person so long as that sibling is over twenty-one years of age, or to a stepparent or grandparent specified by the unemancipated minor or incompetent person.

Declares that any physician who intentionally performs an abortion with knowledge that, or with reckless disregard as to whether, the person upon whom the abortion is to be performed is an unemancipated minor or an incompetent person, without providing the required notification and consent shall be guilty of a gross misdemeanor.