

ENGROSSED HOUSE  
BILL NO. 2175

By: Paulk, Benson, Thomas,  
Adair, Erwin, Rice,  
Beutler, Kinnamon,  
Begley, Hamilton,  
Steidley, Glover, Kirby,  
Satterfield and Tyler of  
the House

and

Hendrick of the Senate

An Act relating to public health and safety;  
prohibiting certain abortion procedures; providing  
exceptions; specifying penalty; providing for  
standing for certain persons; providing exception;  
specifying certain relief; prohibiting certain  
prosecution; defining term; providing for  
codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1-740 of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A. 1. Except as otherwise provided by this subsection, any  
person who knowingly performs a partial birth abortion and thereby  
kills a human fetus shall be subject to criminal penalties and civil  
liability as specified in this section.

2. The provisions of this subsection shall not apply to a  
partial birth abortion that is necessary to prevent a serious risk  
of substantial and irreversible impairment of a major bodily

function of a mother or to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury including a life-endangering condition caused by or arising from the pregnancy itself and if no other medical procedure would suffice for that purpose.

B. 1. Any person convicted of a violation of this section shall be guilty of a felony and shall be punished by a fine of not less than Twenty Thousand Dollars (\$20,000.00) or imprisonment in the State Penitentiary for not less than twenty (20) years or by both such fine and imprisonment.

2. A woman upon whom a partial birth abortion is performed may not be prosecuted under this section for a conspiracy to violate this section.

C. 1. Except as otherwise provided by this subsection, the following persons may, in a civil action, obtain the relief specified in paragraph 2 of this subsection:

- a. the mother of the fetus,
- b. the father, if married to the mother at the time she receives a partial birth abortion, and
- c. the maternal grandparents of the fetus if the mother has not attained the age of eighteen (18) years at the time of the abortion.

2. The relief authorized by this subsection may include:

- a. money damages for all injuries, psychological and physical, occasioned by the violation of this section, and
- b. statutory damages equal to three times the cost of the partial birth abortion.

3. A plaintiff who consented to the abortion shall not be entitled to obtain the civil relief authorized by this section.

D. As used in this section, the term "partial-birth abortion" means an abortion in which the person performing the abortion

partially vaginally delivers a living child before killing the child and completing the delivery.

SECTION 2. This act shall become effective November 1, 1997.

Passed the House of Representatives the 11th day of March, 1997.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1997.

President of the Senate