

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2175

By: Paulk, Thomas, Adair,
Bastin, Erwin, Rice,
Beutler, Kinnamon, Begley,
Hamilton and Benson

AS INTRODUCED

An Act relating to public health and safety;

prohibiting certain abortion procedures; providing
exception; 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. Any person who knowingly performs an intact dilation and
extraction procedure and thereby kills an unborn child shall be
subject to criminal penalties and civil liability as specified in
this section.

2. The provisions of this section shall not apply to an intact
dilation and extraction abortion that is necessary to save the life
of a mother whose life is endangered by a physical disorder,

illness, or injury 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 an intact dilation and extraction 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 unborn child,
- b. the father, if married to the mother at the time she receives an intact dilation and extraction abortion procedure, and
- c. the maternal grandparents of the unborn child 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 intact dilation and extraction 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 "intact dilation and extraction abortion" means a partial-birth 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.

46-1-6448

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