

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative DeLay

A Bill

HOUSE BILL 1733

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 20-16-704 TO INCREASE THE
PENALTY FOR PERFORMING AN UNLAWFUL ABORTION; TO AMEND
ARKANSAS CODE 20-16-705 TO CLARIFY LANGUAGE REGARDING
MEDICALLY NECESSARY ABORTIONS; AND FOR OTHER PURPOSES."

Subtitle

"TO INCREASE THE PENALTY FOR PERFORMING
AN UNLAWFUL ABORTION AND TO CLARIFY
LANGUAGE REGARDING MEDICALLY NECESSARY
ABORTIONS."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 20-16-704 is amended to read as follows:

"20-16-704. Penalty.

A violation of this subchapter shall be a Class D felony."

SECTION 2. Arkansas Code 20-16-705 is amended to read as follows:

"20-16-705. Abortion of viable fetus prohibited - Exceptions.

(a) No abortion of a viable fetus shall be performed unless a medical
emergency exists.

(b) For the purpose of this section 'medical emergency' means a
condition which, on the basis of the physician's good faith clinical
judgment, so complicates the medical condition of a pregnant woman as to
necessitate the immediate abortion of her pregnancy to avert her death or for
which a delay will create serious risk of substantial and irreversible
impairment of a major bodily function.

(c) This subchapter shall not prohibit the abortion of a viable fetus

1 if the pregnancy is the result of rape or incest perpetrated on a minor."

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3 SECTION 3. All provisions of this act of a general and permanent
4 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
5 Code Revision Commission shall incorporate the same in the Code.

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7 SECTION 4. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 5. All laws and parts of laws in conflict with this act are
14 hereby repealed.

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/s/Rep. Delay

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