

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4
5 By: Senator J. Dismang
6

A Bill

SENATE BILL 951

For An Act To Be Entitled

8 AN ACT TO AMEND THE ABORTION LAWS IN ARKANSAS; AND
9 FOR OTHER PURPOSES.

Subtitle

12 AN ACT TO AMEND THE ABORTION LAWS IN
13 ARKANSAS.
14

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 20-16-907 is amended to read as follows:
20 20-16-907. Penalties.

21 (a) The performance of an abortion in violation of this subchapter
22 shall be a Class A misdemeanor and shall be grounds for a civil action by a
23 person whose consent is required.

24 ~~(a)(b)~~ A person who knowingly or recklessly performs or attempts to
25 perform a termination of a pregnancy in violation of this subchapter shall be
26 subject to disciplinary action by the Arkansas State Medical Board.

27 ~~(b)(c)~~ No penalty may be assessed against the woman upon whom the
28 abortion is performed or attempted to be performed.

29 ~~(e)(d)~~ No penalty or civil liability may be assessed for failure to
30 comply with any provision of § 20-16-903 unless the Division of Health of the
31 Department of Health and Human Services has made the printed materials
32 available at the time that the physician or the physician's agent is required
33 to inform the woman of her right to review them.
34

35 SECTION 2. Arkansas Code Title 20, Chapter 16, Subchapter 9 is amended
36 to add an additional section to read as follows:



1 20-16-909. Civil remedies.

2 (a) An action seeking actual and punitive damages may be brought
3 against a person who performed an abortion in knowing or reckless violation
4 of this subchapter by:

5 (1) Any person upon whom the abortion was performed;

6 (2) The father of the unborn child who was the subject of the
7 abortion; or

8 (3) A grandparent of the unborn child who was the subject of the
9 abortion.

10 (b) A female upon whom an abortion has been attempted in violation of
11 this subchapter may bring an action for actual and punitive damages against a
12 person who attempted to perform the abortion in knowing or reckless violation
13 of this subchapter.

14 (c)(1) If judgment is rendered in favor of the plaintiff in any action
15 described in this section, the court shall assess a reasonable attorney's fee
16 in favor of the plaintiff against the defendant.

17 (2) If judgment is rendered in favor of the defendant and if the
18 court finds that the plaintiff's suit was frivolous and brought in bad faith,
19 the court shall assess a reasonable attorney's fee in favor of the defendant
20 against the plaintiff.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36