

104TH CONGRESS
1ST SESSION

H. R. 1833

To amend title 18, United States Code, to ban partial-birth abortions.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1995

Mr. CANADY of Florida (for himself, Mrs. VUCANOVICH, Mr. HALL of Ohio, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. GOODLATTE, Mr. SMITH of Texas, Mrs. SMITH of Washington, Mr. WELDON of Florida, Mr. SMITH of New Jersey, Mr. CHRISTENSEN, Mr. DORNAN, Mr. HILLEARY, Mr. BUNNING of Kentucky, Mr. CHABOT, Mr. EMERSON, Mr. HAYWORTH, Mr. LARGENT, Mr. WALSH, Mr. KNOLLENBERG, Mr. TALENT, Mr. WATTS of Oklahoma, Mrs. SEASTRAND, Mr. BARTON of Texas, Mr. BRYANT of Tennessee, Mr. YOUNG of Arkansas, Mr. LEWIS of Kentucky, Mr. STEARNS, and Mr. MCINTOSH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to ban partial-birth abortions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Partial-Birth Abortion
5 Ban Act of 1995”.

1 **SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.**

2 (a) IN GENERAL.—Title 18, United States Code, is
3 amended by inserting after chapter 73 the following:

4 **“CHAPTER 74—PARTIAL-BIRTH ABORTIONS**

“Sec.

“1531 Partial-birth abortions prohibited.

5 **“§ 1531 Partial-birth abortions prohibited**

6 “(a) Whoever, in or affecting interstate or foreign
7 commerce, knowingly performs a partial-birth abortion
8 and thereby kills a human fetus shall be fined under this
9 title or imprisoned not more than two years, or both.

10 “(b) As used in this section, the term ‘partial-birth
11 abortion’ means an abortion in which the person perform-
12 ing the abortion partially vaginally delivers a living fetus
13 before killing the fetus and completing the delivery.

14 “(c)(1) The mother, father, and if the mother has
15 not attained the age of 18 years at the time of the abor-
16 tion, the maternal grandparents of the fetus, may in a civil
17 action obtain appropriate relief.

18 “(2) Such relief shall include—

19 “(A) money damages for all injuries, psycho-
20 logical and physical, occasioned by the violation of
21 this section; and

22 “(B) statutory damages equal to three times
23 the cost of the partial-birth abortion;

1 even if any party consented to the performance of an abor-
2 tion.

3 “(d) A woman upon whom a partial-birth abortion
4 is performed may not be prosecuted under this section for
5 a conspiracy to violate this section, or an offense under
6 section 2, 3, or 4 of this title based on a violation of this
7 section.

8 “(e) It is an affirmative defense to a prosecution or
9 a civil action under this section, which must be proved by
10 a preponderance of the evidence, that the partial-birth
11 abortion was performed by a physician who reasonably be-
12 lieved—

13 “(1) the partial-birth abortion was necessary to
14 save the life of the woman upon whom it was per-
15 formed; and

16 “(2) no other form of abortion would suffice for
17 that purpose.”.

18 (b) CLERICAL AMENDMENT.—The table of chapters
19 for part I of title 18, United States Code, is amended by
20 inserting after the item relating to chapter 73 the follow-
21 ing new item:

“74. **Partial-birth abortions** **1531**”.

