

1 S.317

2 Introduced by Committee on Judiciary

3 Date: February 11, 2014

4 Subject: Health; abortion

5 Statement of purpose of bill as introduced: This bill proposes to repeal the  
6 unconstitutional Vermont statutes that criminalize: (1) assisting in the  
7 performance of an abortion; and (2) advertising about the provision of abortion  
8 services.

9 An act relating to repealing the unconstitutional Vermont statutes related to  
10 the performance of abortions

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 13 V.S.A. chapter 3 is amended to read:

13 ~~CHAPTER 3. ABORTION~~

14 ~~§ 101. DEFINITION AND PUNISHMENT~~

15 ~~A person who wilfully administers, advises or causes to be administered~~  
16 ~~anything to a woman pregnant, or supposed by such person to be pregnant, or~~  
17 ~~employs or causes to be employed any means with intent to procure the~~  
18 ~~miscarriage of such woman, or assists or counsels therein, unless the same is~~  
19 ~~necessary to preserve her life, if the woman dies in consequence thereof, shall~~  
20 ~~be imprisoned not more than 20 years nor less than five years. If the woman~~

1 ~~does not die in consequence thereof, such person shall be imprisoned not more~~  
2 ~~than 10 years nor less than three years. However, the woman whose~~  
3 ~~miscarriage is caused or attempted shall not be liable to the penalties~~  
4 ~~prescribed by this section. [Repealed.]~~

5 § 102. ~~DYING DECLARATION AS EVIDENCE~~

6 ~~In all prosecutions under the provisions of section 101 of this title, the dying~~  
7 ~~declaration of the woman whose death is produced by any of the means set~~  
8 ~~forth in such section may be admitted in evidence subject to the same~~  
9 ~~restrictions as in cases of homicide. [Repealed.]~~

10 § 103. ~~JOINING WITH MURDER INDICTMENT~~

11 ~~A person who is indicted for the murder of an infant child, or of a woman~~  
12 ~~pregnant or supposed by such person to be pregnant, may be charged in the~~  
13 ~~same indictment with the offenses under section 101 of this title, and may be~~  
14 ~~found guilty of any charge in the indictment sustained by the proof, and~~  
15 ~~judgment and sentence shall be awarded accordingly. [Repealed.]~~

16 § 104. ~~ADVERTISING OR DEALING IN ANYTHING TO CAUSE~~  
17 ~~MISCARRIAGE~~

18 ~~A person who knowingly causes to be made public by print, writing, words~~  
19 ~~or language that give any information where anything, or any advice or~~  
20 ~~information, may be obtained for the purpose of causing or procuring the~~  
21 ~~miscarriage of a pregnant woman, shall be imprisoned not more than 10 years~~

1 ~~nor less than three years. A person who sells or gives away anything for the~~  
2 ~~purpose of producing such miscarriage shall be imprisoned not more than three~~  
3 ~~years nor less than one year and fined not more than \$500.00 nor less than~~  
4 ~~\$200.00, or both. [Repealed.]~~

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.