

SENATE AMENDMENT 2 TO hb1351.

deleting sections 2 and 3 of the bill and substituting the following:

"SECTION 2. Definitions. As used in this act, "partial-birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before taking the life of the fetus and completing the delivery.

SECTION 3. Partial-birth abortions prohibited.

(a) Whoever knowingly performs a partial-birth abortion and thereby takes the life of a human fetus shall be guilty of a Class D felony.

(b) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section for conspiracy, solicitation, attempt or complicity to violate this section.

(c) It is an affirmative defense to a prosecution under this section, which must be proved by a preponderance of the evidence, that the partial-birth abortion was performed by a physician who reasonably believed:

(1) the partial-birth abortion was necessary to save the life of the woman upon whom it was performed; and

(2) no other form of abortion would suffice for that purpose.

(d) Prior to charging a person under this section, a prosecutor shall refer the investigation to the State Medical Board, which shall determine whether the procedure at issue in the investigation is a partial-birth abortion as defined by this act. If the State Medical Board determines that the procedure being investigated is not a partial birth abortion as defined by this act, the prosecutor shall not proceed with the case.

SECTION 4. Whoever knowingly performs a partial-birth abortion shall be subject to disciplinary action by the State Medical Board. Disciplinary action taken by the State Medical Board against a physician who violates this act shall include a fine not greater than ten thousand dollars (\$10,000), or suspension of the physician s license for a period not greater than one (1) year, or revocation of the physician s license, as determined by the board."

AND

by appropriately renumbering subsequent sections of the bill.