

Calendar No. 249

104TH CONGRESS
1ST SESSION

H. R. 1833

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 1995

Received; read the first time

NOVEMBER 3, 1995

Read the second time and placed on the calendar

NOVEMBER 8, 1995

Committed to the Committee on the Judiciary for a period not to exceed 19 calendar days in which to report or be discharged

NOVEMBER 27, 1995

Committee discharged pursuant to the order of November 8, 1995 and placed on the calendar

AN ACT

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

1 *Be it enacted by the Senate and House of Representatives 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 father, and if the mother has not at-
15 tained the age of 18 years at the time of the abortion,
16 the maternal grandparents of the fetus, may in a civil ac-
17 tion obtain appropriate relief, unless the pregnancy re-
18 sulted from the plaintiff’s criminal conduct or the plaintiff
19 consented to the abortion.

20 “(2) Such relief shall include—

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

1 “(B) statutory damages equal to three times
2 the cost of the partial-birth abortion.

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

15 “(2) no other procedure would suffice for that
16 purpose.”.

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

“74. Partial-birth abortions 1531”.

Passed the House of Representatives November 1,
1995.

Attest:

ROBIN H. CARLE,

Clerk.

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