

104TH CONGRESS
1ST SESSION

H. R. 1833

IN THE SENATE OF THE UNITED STATES

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

AN ACT

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”.

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

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

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

“Sec.

“1531. Partial-birth abortions prohibited.

1 **“§ 1531. Partial-birth abortions prohibited**

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

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

10 “(c)(1) The father, and if the mother has not at-
11 tained the age of 18 years at the time of the abortion,
12 the maternal grandparents of the fetus, may in a civil ac-
13 tion obtain appropriate relief, unless the pregnancy re-
14 sulted from the plaintiff’s criminal conduct or the plaintiff
15 consented to the abortion.

16 “(2) Such relief shall include—

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

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

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

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

6 “(1) the partial-birth abortion was necessary to
 7 save the life of the mother; and

8 “(2) no other procedure would suffice for that
 9 purpose.”.

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

“74. Partial-birth abortions 1531”.

Passed the House of Representatives November 1,
 1995.

Attest:

ROBIN H. CARLE,
Clerk.