

SENATE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 73 by Senator Gatti

1 AMENDMENT NO. 1

2 On page 1, at the beginning of line 2, after "To" delete the remainder of the line and insert  
3 "amend and reenact R.S. 40:1061.29 and to enact R.S. 14:87.3(F) and (G), relative to  
4 abortion; to provide relative to the sale and transport of fetal organs; to provide"

5 AMENDMENT NO. 2

6 On page 1, line 4, after "Fund;" insert "to provide relative to the jurisdiction of the attorney  
7 general;"

8 AMENDMENT NO. 3

9 On page 2, between lines 15 and 16, insert the following:

10 "Section 2. R.S. 40:1061.29 is hereby amended and reenacted to read as follows:  
11 §1061.29. Penalties; **jurisdiction**

12 **A.** Whoever violates the provisions of this Chapter shall be fined not more  
13 than one thousand dollars per incidence or occurrence, or imprisoned for not more  
14 than two years, or both. In addition to whatever remedies are otherwise available  
15 under the law of this state, failure to comply with the provisions of this Chapter  
16 shall:

17 (1) Provide a basis for a civil malpractice action. Such an action may be  
18 brought by the woman upon whom the abortion was performed. Any intentional  
19 violation of this Chapter shall be admissible in a civil suit as prima facie evidence  
20 of a failure to comply with the requirements of this Chapter. When requested, the  
21 court shall allow a woman to proceed using solely her initials or a pseudonym and  
22 may close any proceedings in the case and enter other protective orders to preserve  
23 the privacy of the woman upon whom the abortion was performed.

24 (2) Provide a basis for professional disciplinary action under R.S. 37:1261  
25 et seq.

26 (3) Provide a basis for recovery for the woman for the death of her unborn  
27 child under Louisiana Civil Code Article 2315.2, whether or not the unborn child  
28 was viable at the time the abortion was performed, or was born alive.

29 **B. The attorney general shall have jurisdiction throughout the state,  
30 separate from each district attorney within his respective jurisdiction, to  
31 commence an action for a violation of any provision of this Chapter, or for a  
32 violation of any state statute or regulation regarding abortion or the use of  
33 public funds for an abortion if the district attorney declines a prosecution under  
34 this Chapter.**

35 **C. The attorney general, and each district attorney within his respective  
36 jurisdiction, may seek injunctive or other relief against any person or entity that  
37 is in violation of any provision of this Chapter, misuses public funds for an  
38 abortion, or violates any state statute or regulation regarding abortion.**

39 AMENDMENT NO. 4

40 On page 2, at the beginning of line 16, change "Section 2." to "Section 3."