

Amendment No. 5 to HB0883

Clemmons
Signature of Sponsor

AMEND Senate Bill No. 745*

House Bill No. 883

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-15-213, is amended by deleting subsection (b) and substituting instead the following:

(b) Except as provided in subsection (f), a person who performs or attempts to perform an abortion commits the offense of criminal abortion. Criminal abortion is a Class C felony.

SECTION 2. Tennessee Code Annotated, Section 39-15-213, is amended by adding the following as new subsections:

(f) An abortion is not a violation of this section if:

(1)

(A) The abortion is performed on a patient under eighteen (18) years of age whose pregnancy is the result of:

(i) Aggravated rape, as defined by § 39-13-502;

(ii) Rape, as defined by § 39-13-503;

(iii) Mitigated statutory rape, statutory rape, or aggravated statutory rape, as defined by § 39-13-506;

(iv) Rape of a child, as defined by § 39-13-522;

(v) Statutory rape by an authority figure, as defined by § 39-13-532;

(vi) Especially aggravated rape, as defined by § 39-13-534;

(vii) Especially aggravated rape of a child, as defined by § 39-13-535; or

(viii) Incest, as defined by § 39-15-302;

(B) The abortion is performed by a physician, who is licensed or certified under title 63, chapter 6 or 9; and

(C) At the time of the abortion, the patient had been pregnant for twenty-two (22) weeks or less, as calculated from the first day of the last menstrual period of the patient and confirmed by an ultrasound; or

(2) The abortion is performed or attempted by a licensed physician to save the life or health of the pregnant woman, and the failure to perform an abortion would result in the death of the pregnant woman, create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman, or result in serious dysfunction of a bodily organ or part of the pregnant woman.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.