

REFERENCE TITLE: **abortion; sex-selection; race-selection; prohibition**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HCR 2049

Introduced by
Representative Montenegro

A CONCURRENT RESOLUTION

**ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO
ABORTION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:
3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to abortion, is enacted to become valid as a
5 law if approved by the voters and on proclamation of the Governor:

6 AN ACT

7 AMENDING TITLE 13, CHAPTER 36, ARIZONA REVISED STATUTES, BY
8 ADDING SECTION 13-3603.02; RELATING TO FAMILY OFFENSES.

9 Be it enacted by the Legislature of the State of Arizona:

10 Section 1. Title 13, chapter 36, Arizona Revised
11 Statutes, is amended by adding section 13-3603.02, to read:

12 13-3603.02. Abortion for sex or race selection;
13 injunctive relief; civil action; duty to
14 report; classification

15 A. IT IS UNLAWFUL FOR A PERSON TO DO ANY OF THE
16 FOLLOWING:

17 1. PERFORM AN ABORTION KNOWING THAT THE ABORTION IS
18 SOUGHT BASED ON THE SEX, GENDER, COLOR OR RACE OF THE CHILD, OR
19 THE RACE OF A PARENT OF THAT CHILD.

20 2. USE FORCE OR THE THREAT OF FORCE TO INTENTIONALLY
21 INJURE OR INTIMIDATE ANY PERSON FOR THE PURPOSE OF COERCING A
22 SEX-SELECTION OR RACE-SELECTION ABORTION.

23 3. SOLICIT OR ACCEPT OR ATTEMPT TO SOLICIT OR ACCEPT
24 MONIES FOR THE PURPOSE OF FINANCING A SEX-SELECTION ABORTION OR
25 A RACE-SELECTION ABORTION.

26 B. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY MAY BRING
27 AN ACTION IN SUPERIOR COURT TO ENJOIN THE ACTIVITY DESCRIBED IN
28 SUBSECTION A.

29 C. FOR THE PURPOSES OF TITLE VI, SECTION 601 OF THE CIVIL
30 RIGHTS ACT OF 1964, A VIOLATION OF SUBSECTION A IS
31 DISCRIMINATION PROHIBITED BY THAT ACT.

32 D. THE FATHER OF THE FETUS, IF MARRIED TO THE MOTHER AT
33 THE TIME SHE RECEIVES A SEX-SELECTION ABORTION OR A
34 RACE-SELECTION ABORTION, OR, IF THE MOTHER HAS NOT ATTAINED
35 EIGHTEEN YEARS OF AGE AT THE TIME OF THE ABORTION, THE MATERNAL
36 GRANDPARENTS OF THE UNBORN CHILD MAY BRING, ON BEHALF OF THE
37 UNBORN CHILD, A CIVIL ACTION TO OBTAIN APPROPRIATE RELIEF WITH
38 RESPECT TO A VIOLATION OF SUBSECTION A. THE COURT MAY AWARD
39 REASONABLE ATTORNEY FEES AS PART OF THE COSTS IN AN ACTION UNDER
40 THIS SUBSECTION. FOR THE PURPOSES OF THIS SUBSECTION,
41 "APPROPRIATE RELIEF" INCLUDES MONETARY DAMAGES FOR ALL INJURIES,
42 WHETHER PSYCHOLOGICAL, PHYSICAL OR FINANCIAL, INCLUDING LOSS OF
43 COMPANIONSHIP AND SUPPORT, RESULTING FROM THE VIOLATION OF
44 SUBSECTION A.

1 E. A PHYSICIAN, PHYSICIAN'S ASSISTANT, NURSE, COUNSELOR
2 OR OTHER MEDICAL OR MENTAL HEALTH PROFESSIONAL SHALL REPORT
3 KNOWN OR SUSPECTED VIOLATIONS OF THIS SECTION TO APPROPRIATE LAW
4 ENFORCEMENT AUTHORITIES.

5 F. FOR ANY ACTION UNDER THIS SECTION, THE COURT SHALL
6 EXPEDITE THE ACTION TO THE GREATEST POSSIBLE EXTENT.

7 G. A WOMAN ON WHOM A SEX-SELECTION OR RACE-SELECTION
8 ABORTION IS PERFORMED IS NOT SUBJECT TO CRIMINAL PROSECUTION OR
9 CIVIL LIABILITY FOR ANY VIOLATION OF THIS SECTION OR FOR
10 CONSPIRACY TO VIOLATE THIS SECTION.

11 H. A VIOLATION OF SUBSECTION A IS A CLASS 3 FELONY. A
12 VIOLATION OF SUBSECTION E IS A CLASS 6 FELONY.

13 2. The secretary of state shall submit this proposition to the voters
14 at the next general election as provided by article IV, part 1, section 1,
15 Constitution of Arizona.