

State of Misconsin 1997 - 1998 LEGISLATURE

LRBa0518/1 JEO:kaf:jf

ASSEMBLY AMENDMENT 3, TO 1997 ASSEMBLY BILL 220

May 20, 1997 - Offered by Representatives GROTHMAN and ALBERS.

1	At the locations indicated, amend the bill as follows:
2	${f 1}$. Page 1, line 3: delete that line and substitute: "abortions, imposing civil
3	liability for the performance of certain partial-birth abortions and providing a
4	penalty.".
5	2. Page 2, line 1: delete that line and substitute:
6	"SECTION 1g. 895.038 of the statutes is created to read:
7	895.038 Partial-birth abortions; liability. (1) In this section:
8	(a) "Child" has the meaning given in s. 940.16 (1) (a).
9	(b) "Partial-birth abortion" has the meaning given in s. 940.16 (1) (b).
10	(2) (a) Except as provided in par. (b), any of the following persons has a claim
11	for appropriate relief against a person who performs a partial-birth abortion:
12	1. If the person on whom a partial-birth abortion was performed was a minor,
13	the parent of the minor.

2. The father of the child aborted by the partial-birth abortion. 1 $\mathbf{2}$ (b) A person specified in par. (a) 1. or 2. does not have a claim under par. (a) if 3 any of the following apply: 4 1. The person consented to performance of the partial-birth abortion. $\mathbf{5}$ 2. The pregnancy of the minor was the result of a sexual assault in violation 6 of s. 940.225, 944.06, 948.02, 948.025, 948.06 or 948.09 that was committed by the 7 person. 8 (3) The relief available under sub. (2) shall include all of the following: 9 (a) If the abortion was performed in violation of s. 940.16, damages arising out 10 of the performance of the partial-birth abortion, including damages for personal 11 injury and emotional and psychological distress. 12(b) Exemplary damages equal to 3 times the cost of the partial-birth abortion. 13(4) Subsection (2) applies even if the mother of the child aborted by the 14partial-birth abortion consented to the performance of the partial-birth abortion. 15**SECTION 1r.** 939.62 (2m) (a) 2. of the statutes is amended to read:". 16 (END)

- 2 -

1997 – 1998 Legislature

LRBa0518/1

JEO:kaf:jf