
Coercive Abuse Against Mothers Prevention Act

Model Legislation & Policy Guide



*Advancing the Human Right to Life
in Culture, Law, and Policy*

INTRODUCTION

More than 50 years of legalized abortion have proven that abortion is often anything but a “choice.” Abortion has not “liberated” or “empowered” women. Instead, women have often been subjugated to the desires of others—partners, parents, friends, or employers. Even the left-leaning *Daily Beast* has acknowledged that coerced abortions are a “twisted” form of domestic abuse, occurring more often than previously thought.¹

Coercive abuse can take many forms and is intended to force a woman into “choosing” an abortion. Untold numbers of women have suffered including:

- (1) Katelyn Kampf, a 19 year-old college student and former high school honor student, was bound and gagged by her parents, who disapproved of the child’s father, and forced into a car to make a trip from Maine to New York where they knew someone who would perform an abortion. Fortunately, Katelyn managed to escape when she convinced her parents to let her use the restroom in a store. Police later found a .22 caliber rifle, rope, and duct tape in the car.²
- (2) Sharrona Alexander, an assistant women’s basketball coach at the University of California at Berkeley, was told by her boss, Marianne Stanley, that she needed to have an abortion to keep her job. When Alexander refused, Stanley demanded her resignation.³
- (3) A 16 year-old Cleveland girl was beaten with a metal broomstick by her

¹ Elizabeth Dvoskin, *A Twisted Form of Domestic Abuse*, (updated July 14, 2017), <http://www.thedailybeast.com/articles/2010/10/08/coerced-abortions-a-new-study-shows-theyre-common.html>.

² Adrienne P. Samuels, *Police Say Maine Couple Kidnapped Daughter, Intent on Forcing Abortion*, (Sept. 18, 2006), http://www.boston.com/news/local/articles/2006/09/18/police_say_maine_couple_kidnapped_daughter_in_tent_on_forcing_abortion/;

³ A. Benjaminson & G. Chikovani, *Stanley Told Former Assistant to Have Abortion*, (Sept. 17, 2002), http://archive.dailycal.org/article/9448/stanley_told_former_assistant_to_have_abortion; Welch Suggs, *Coach Is Accused of Urging Assistant to Have an Abortion*, (Sept. 27, 2002); <https://www.chronicle.com/article/coach-is-accused-of-urging-assistant-to-have-an-abortion/>; Jessica Hopp et al, *Mystics Coach was Cited in Pregnancy Suit*, Washington Post (September 16, 2002), <https://www.washingtonpost.com/archive/politics/2002/09/16/mystics-coach-was-cited-in-pregnancy-suit/75f3fd03-184c-4292-9264-3ba074460c4c/>

father who wanted her to get an abortion.⁴

- (4) A 16 year-old Georgia girl was forced by her mother and two cousins to drink turpentine to induce an abortion.⁵
- (5) Shontrese Otrej was told by Emergency Shelters, Inc. of Richmond, Virginia that she would not be eligible for a room because she was pregnant. A staff member then drove her to the bank to withdraw money for an abortion and took her to the abortion clinic.⁶

Clearly, many women who arrive on an abortion clinic's doorstep are not there of their own free "choice." Instead, they are there because others are pressuring or forcing them to undergo abortions. Hundreds of women have testified to the devastating effects of their coerced abortions.⁷

At least 23 states currently have some form of coercive abuse prevention law: Alabama, Arizona, Arkansas, Delaware, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin. To assist other states in enacting such protections, AUL has drafted the *Coercive Abuse Against Mothers Prevention Act* which provides a number of legislative remedies for this growing problem. For more information or drafting assistance, please contact AUL at Legislation@aul.org

⁴ Damon Sims, *Cleveland Man Accused of beating 16-year-old Pregnant Daughter*, (July 8, 2008), http://blog.cleveland.com/metro/2008/07/cleveland_man_accused_of_beati.html.

⁵ Associated Press, *Girl, 16, Forced to Drink Turpentine to Induce Abortion*, (Sept. 27, 2006), <http://www.nysun.com/national/girl-16-forced-to-drink-turpentine-to-induce/40404/>.

⁶ The Elliot Institute, *Forced Abortion in America* 4 (Oct. 2007), http://www.afterabortion.org/petition/Forced_Abortions.pdf.

⁷ See e.g., *Testimony Directory, Silent No More* <http://www.silentnomoreawareness.org/testimonies/> (last visited June 14, 2022).

COERCIVE ABUSE AGAINST MOTHERS PREVENTION ACT

HOUSE/SENATE BILL No. _____
By Representatives/Senators _____

Section 1. Title.

This Act shall be known as the “Coercive Abuse Against Mothers Prevention Act.”

Section 2. Legislative Findings and Purposes.

(a) The [Legislature] of the [Insert name of State] finds that:

- (1) Research⁸ indicates that violence against pregnant women is a serious problem. Many women report that they were coerced into abortions and have suffered grievous physical, emotional, psychological, and spiritual harm as a result.
- (2) Reproductive healthcare facilities are often the only and last opportunities of hope for victims of coercive abuse. As such, they are uniquely situated to help these women.
- (3) More cases of coerced or attempted coerced abortions are reported if women are informed of their rights and given information concerning treatment and protection options.
- (4) More women may receive treatment for coercive abuse if clinics inform them of their rights and give them information concerning treatment and protection options.
- (5) Coercive abuse is a serious women’s health issue because it violates a woman’s rights to physical and emotional health, her freedom of conscience,

⁸ See generally Huldani Huldani et al, *Intimate Partner Violence Against Pregnant Women During the COVID-19 Pandemic: A Systematic Review and Meta-Analysis*, 62.6 Women & Health 556, 556-64 (2022) Jocelyn T. Greely et al, *Violence Against Pregnant Women and Adverse Maternal/Fetal Outcomes in the United States: Racial/Ethnic Disparities*, 62.6 Women & Health 513, 513-21 (2022); *Violence Against Women*, <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> (last visited Nov. 10, 2022).

and to freely choose either to continue her pregnancy or to have an abortion where it is legal.

- (b) Based on the findings in subsection (a), it is the intent of the [*Legislature*] to:
 - (1) Prohibit actions intended to coerce or otherwise force a woman to abort her unborn child; and
 - (2) Empower all mothers in the State of [*Insert name of State*] to exercise their freedom of conscience in choosing life for their unborn children, free of violent and abusive coercion.

Section 3. Definitions.

As used in this Act only:

(a) “**Abortion**” means the act of using or prescribing any instrument, [*medicine, drug, or any other substance, device, or means*] with the intent to terminate the clinically diagnosable pregnancy of a woman; with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child.

Such use, prescription, or means is not an **abortion** if done with the intent to:

- (1) save the life or preserve the health of the mother or unborn child;
- (2) remove a dead unborn child caused by spontaneous abortion; or
- (3) remove an ectopic pregnancy.

(b) “**Abuser**” means any person who attempts to, conspires to, or successfully **coerces, forces** a woman to have an abortion.

(c) “**Coercion**” occurs when, any person, with purpose to restrict a pregnant woman’s freedom of action to her detriment, engages in conduct defined in Section 3(d) of this Act.

(d) “**Coercing an abortion**” or “**forcing an abortion**” occurs when a person:

- (1) knows of or suspects the pregnancy of a woman;

- (2) engages or conspires with another to engage in any conduct described below:
 - (i) committing, attempting to commit, or threatening to commit physical harm to the woman, unborn child, or another person;
 - (ii) holding, attempting to hold, or threatening to hold in confinement the woman or unborn child;
 - (iii) committing, attempting to commit, or threatening to commit any act prohibited by any statute of this State, *[or insert specific citation(s) or reference(s) to state's criminal and civil codes] [including any common law tort not codified in a State statute]*;
 - (iv) revoking, attempting to revoke, or threatening to revoke a scholarship awarded to the woman by a public or private institution of higher education;
 - (v) discharging, attempting to discharge, or threatening to discharge the woman or another person or changing, attempting to change, or threatening to change her or the other person's compensation, terms, conditions, or privileges of employment;
 - (vi) denying, attempting to deny, or threatening to deny any social assistance for which a pregnant woman or another person has applied, has been approved for, or has been receiving and for which she or the other person is otherwise eligible; or
 - (vii) denying, removing, or threatening to deny or remove financial support or housing from a dependent.
- (3) that is intentionally or purposely, aimed at causing or directing the pregnant woman to have an abortion; and
- (4) solely conditioned upon the pregnant woman disregarding or refusing the person's demand that she seek an abortion, regardless of whether the abortion has been attempted or completed.

To “**coerce**” or “**force**” does not include constitutionally protected speech, conduct, or expressions of conscience.

(e) “**Course of conduct**” means a pattern of conduct composed of a series of two or more separate acts evincing a continuity of purpose.

(f) **“Dependent”** means *[Insert definition]* as defined in *[Insert citation(s) to appropriate federal or state law]*.

(g) **“Mandatory reporter”** means any individual who provides healthcare services, including a[n]:

- (1) physician,
- (2) surgeon,
- (3) physical therapist,
- (4) psychiatrist,
- (5) psychologist,
- (6) medical resident,
- (7) medical intern,
- (8) hospital staff member,
- (9) licensed nurse,
- (10) nurse’s aide,
- (11) emergency medical technician,
- (12) paramedic, and
- (13) any employee, staff member, or volunteer at a reproductive healthcare facility.

(h) **“Physician”** or **“attending physician”** means any person licensed to practice medicine in this State, including medical and osteopathic doctors.

(i) **“Pregnant woman”** means any biological female of any age who is in the reproductive condition of having an unborn child in her uterus.

(j) **“Reproductive healthcare facility”** or **“facility”** means any office, clinic, or other physical location licensed by the State to provide:

- (1) surgical or medical abortions,
- (2) abortion counseling,
- (3) abortion referrals,
- (4) contraceptives,
- (5) contraceptive counseling,
- (6) sex education, or
- (7) gynecological care and services.

(k) “**Solely**” means the conduct described in Section 4 of this Act must be such that it would not have occurred but for the woman’s pregnancy, including the possibility that an actor may have multiple motives for engaging in the conduct described in Section 4 of this Act.

(l) “**Threat**” means a statement or a course of conduct by an individual that would cause a reasonable person to believe that the individual is likely to act in accordance with the statements or as implied by a course of conduct. This excludes constitutionally protected speech or any generalized statement regarding a lawful pregnancy option, such as an emotional expression by a family or household member of the pregnant woman.

(m) “**Unborn child**” or “**pre-born child**” means the offspring of human beings from conception to birth.

Section 4. Coerced or Forced Abortion Prohibited; Criminal Penalties and Civil Remedies.

(a) **Prohibition:** It is illegal to **coerce** or **force** a **pregnant woman** to have an **abortion**.

(b) **Criminal Penalties and Civil Remedies:**

(1) Whoever is guilty of engaging in conduct described in and proscribed by this Section is, in addition to any other crimes described in [*state’s criminal/penal code*], is guilty of a [*Insert appropriate penalty/offense classification*].

(2) If the father or putative father of the unborn child commits a violation of this Section against a pregnant woman who is less than 18 years of age, and the father or putative father is 18 years of age or older, he is guilty of a [*Insert reference to a higher penalty/offense classification*].

(3) A pregnant woman injured by an abuser’s violation of this Act may bring a civil suit to recover damages for such injury, including wrongful death on behalf of an aborted child under [*Insert citation(s) or other reference(s) to state’s Wrongful Death Act*], regardless of whether the abuser is criminally prosecuted and whether the pregnant woman has an abortion. In such civil suit, the pregnant woman shall be entitled to recover, in addition to any other damages, her reasonable attorney’s fees and costs if she is the prevailing

party.

- (4) Any minor [*or woman*] who is threatened with coercion, as defined in Section 3(d) of this Act, may apply to a court of competent jurisdiction for relief. The court shall provide the minor [*or woman*] with counsel, give the matter expedited consideration, and grant such relief as may be necessary to prevent such coercion.
- (5) If a minor's parent(s), guardian, or custodian denies financial support to a minor because of the minor's refusal to have an abortion, the minor is considered an emancipated minor for the purposes of public assistance benefits eligibility. Any public assistance benefits may not be used to obtain an abortion.

Section 5. Reproductive Healthcare Facility Requirements; Criminal Penalties, Civil Remedies, and Professional Sanctions.

(a) ***Sign Postage Requirements:***

- (1) A facility shall conspicuously post signs visible to all in its waiting, consultation, and procedure room(s) who enter to be clearly readable, which state the following notices and information:
 - i. "It is against the law for anyone, regardless of his or her relationship to you, to force you to have an abortion."
 - ii. "You have the right to contact any local or state law enforcement or social service agency to receive protection from any actual or threatened physical, emotional, or psychological abuse."
 - iii. "It is against the law to perform, induce, prescribe for, or provide you with the means for an abortion without your voluntary consent."
 - iv. local and state law enforcement and social service agency telephone numbers.

- (2) The continued posting of such signs shall be a condition of licensure of any reproductive healthcare facility under [*Insert reference(s) to state abortion facility licensure law or other administrative requirements*].
- (3) The display of such signs does not discharge the duty of a reproductive healthcare facility to have a physician orally inform the pregnant woman of information required by Sections 5(b)(5) and 5(c) of this Act.

(b) ***Mandatory Reporting Requirements:***

- (1) ***Requirement:*** A mandatory reporter shall personally report every instance of alleged or suspected coerced abortion as defined in and proscribed by Sections 3 and 4 of this Act to [*designated local or state law enforcement agency and/or other appropriate social services agency*]. The mandatory reporter may not decide what cases should or should not be reported to the appropriate law enforcement or state agency; nor may he delegate the duties described in this section to another person.
- (2) ***Standard:*** The standard to be applied to a mandatory reporter in determining a reportable suspicion is reasonability in good faith.
- (3) ***Procedure:*** If a mandatory reporter has cause to believe that a pregnant woman is or was a victim of conduct defined in and proscribed by Sections 3 and 4 of this Act, the mandatory reporter shall make a report no later than the 48th hour after such coercion, force, attempted coercion, attempted force, threatened coercion, or threatened force has been brought to his or her attention or suspicion.
- (4) ***Content of Report:*** A mandatory reporter shall identify the pregnant woman's name and address, and, in a case of a minor, the name and address of the person who is responsible for the care or custody of the minor. The mandatory reporter shall also report any pertinent information r [s]he may have relating to the alleged or suspected coercion, force, attempted coercion, attempted force, threatened coercion, or threatened force.
- (5) The attending physician shall orally inform the pregnant woman that no one can force her to have an abortion.

(6) It is unlawful for any reproductive healthcare facility to willfully and knowingly continue to employ a mandatory reporter who has violated Sections 4 or 5(b) of this Act.

(c) ***Private Counseling Requirements:***

(1) In a private room, the attending physician shall orally ask the pregnant woman, without any individual accompanying her, if she is being coerced or forced to have an abortion.

(i) If it is reasonably suspected that the woman is being coerced or forced into having an abortion, the physician shall inform the woman that:

(A) such coercion is illegal,

(B) the woman may have legal remedies, and

(C) a request or demand by the father to have an abortion does not relieve his financial support responsibilities.

(2) The attending physician shall also provide the pregnant woman with:

(i) information about assistance, counseling, and protective services offered

(A) by social programs;

(B) local or state law enforcement agencies;

(ii) access to a telephone where she can make a private call; and

(iii) an alternate exit from the facility [*so that, if necessary, she can exit the abortion facility without being seen or confronted*].

(d) ***Required Reflection Period:***

(1) No person shall perform an abortion upon a pregnant woman who is known or suspected to be a victim of conduct defined in and proscribed by Sections 3 and 4 of this Act within 24 hours of when:

(i) this fact or suspicion arises; and

- (ii) the attending physician informs the woman of her rights as provided in Sections 5(b)(5) and 5(c) of this Act.
 - (2) The mandatory 24 hour reflection period may be waived if, in the physician's best medical judgment, an abortion is necessary to prevent the death of the woman or to prevent substantial and irreversible injury to a major bodily function.
- (e) ***Criminal Penalties, Civil Remedies, and Professional Sanctions:***
- (1) Any mandatory reporter who has reason to believe a woman is or has been a victim of conduct defined in and proscribed by Sections 3 and 4 of this Act, and willfully and knowingly does not report such coercion, force, attempted coercion, attempted force, threatened coercion, or threatened force as required by this Act is guilty of a [*Insert appropriate penalty/offense classification*].
 - (2) Any person who performs an abortion which is inconsistent with Section 5(d) of this Act is guilty of a [*Insert appropriate penalty/offense classification*].
 - (3) Any person who performs, induces, or assists in performing or inducing an abortion on a woman, and is unaware that the woman is or has been a victim of conduct defined in and proscribed by Sections 3 and 4 as a result of a willful, knowing, or purposeful failure to comply with the requirements of Section 5(c) of this Act, is guilty of a [*Insert appropriate penalty/offense classification*].
 - (4) A pregnant woman injured by a facility's violation of this Act may bring a civil suit to recover damages for such injury, including wrongful death on behalf of an aborted child as provided for in [*Insert citation(s) or reference(s) to state's Wrongful Death Act*], regardless of whether the attending physician or the facility is criminally prosecuted and whether the pregnant woman had an abortion. In such a civil suit, the pregnant woman, if she is the prevailing party, is entitled to recover, in addition to any other damages, her reasonable attorney's fees and costs.

- (5) Initial and continuing adherence to the requirements of Section 5 of this Act shall be a condition of licensure for any reproductive healthcare facility under [*Insert reference(s) to state abortion facility licensure law or administrative requirements*].
- (6) A woman receiving an abortion inconsistent with any provision of this Act cannot be prosecuted or held civilly liable.

Section 6. Duties of Law Enforcement [*or Other Designated Social Services or Public Agency*].

- (a) Upon the complainant (including a pregnant woman, a woman who was coerced or forced into having an abortion and later reports the coercion or force, or any woman whose rights under this Act were denied by any physician or facility)'s request of the a law enforcement agency [*or designated social or other public services agency*] investigating a violation of this Act shall notify the complainant not less than 24 hours before initially contacting the person(s) alleged to have violated Sections 4 or 5 of this Act.
- (b) This Act does not prevent an alleged perpetrator from being charged with, convicted of, or punished for any other crime committed while also violating this Act.
- (c) A court of competent jurisdiction may order that a term of imprisonment imposed for violating this Act be served consecutively to a term of imprisonment imposed for any other crime committed while also violating this Act.

Section 7. Construction.

- (a) This Act does not create, recognize, endorse, or condone a right to an abortion.
- (b) This Act does not make lawful an abortion that is currently unlawful.

Section 8. Severability.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, is construed so as to give it the maximum effect permitted by law. If such holdings wholly invalidates or renders the provision unenforceable, the provision is severable from and does not affect the remainder of this Act or to other persons not similarly situated or to other, dissimilar circumstances.

Section 9. Right of Intervention.

The [*Legislature*], by a joint resolution, may appoint one or more of its members who sponsored or cosponsored this Act in his or her official capacity to intervene as a matter of right in any case in which the constitutionality of this Act is challenged.

Section 10. Effective Date.

This Act takes effect on [*Insert date*].

For further information regarding this or other AUL policy guides, please contact:

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