

1 abortion. It is, therefore, the intent of the Legislature to
2 ensure that the father of an unborn child is aware of a proposed
3 abortion.

4 **§16-2L-2. Notice to father; exception; penalty.**

5 At least seventy-two hours before any abortion is performed in
6 the State of West Virginia, the father of the unborn child to be
7 aborted shall be notified by the physician, clinic or medical
8 facility performing the abortion, informing him that he has been
9 named as the father, telling him the identity of the mother of the
10 unborn child, and the time and place the abortion will be
11 performed.

12 **§16-2L-3. Requirement waived.**

13 This requirement shall be waived if:

14 (1) The conception of the unborn child involved a criminal
15 offense, if the offense has been reported and charges have been
16 filed;

17 (2) The father cannot be located, if the physician, clinic or
18 medical facility produces evidence that a reasonable effort has
19 been made to locate the father;

20 (3) The mother's life is endangered because of her pregnancy;
21 and

22 (4) The mother of the unborn child is unable to identify the
23 father and she states in writing, that she is unable to identify
24 the father which statement shall become a part of the permanent

1 record and reported to the Department of Health and Human
2 Resources.

3 **§16-2L-4. Abortion generally.**

4 Nothing in this article endorses, allows, permits or approves
5 of any abortion.

6 **§16-2L-5. Penalties.**

7 (a) It is unlawful for the mother of an unborn child seeking
8 an abortion to refuse to name the father of the child as required
9 by this section. Any person who violates this provision is guilty
10 of a misdemeanor and, upon conviction thereof, shall be fined an
11 amount equal to the cost of the abortion.

12 (b) It is unlawful for a physician, clinic or medical facility
13 to fail to notify the father of an unborn child as required by the
14 provisions of this article. Any person who violates this provision
15 is guilty of a misdemeanor and, upon conviction thereof, shall be
16 fined an amount equal to ten times the cost of the abortion.

NOTE: The purpose of this bill is to require that a woman contemplating an abortion provide the name of the father to the physician, clinic or medical facility performing the abortion and to require the physician, clinic or medical facility to notify the father of the proposed abortion.

This article is new; therefore, it has been completely underscored.