1	H. B. 2213
2	
3	(By Delegate Walters)
4	[Introduced January 12, 2011; referred to the
5	Committee on the Judiciary.]
6	
7	
8	
9	
10	A BILL to amend the Code of West Virginia, 1931, as amended, by
11	adding thereto a new article, designated §16-2L-1, §16-2L-2,
12	16-2L-3, $16-2L-4$ and $16-2L-5$ , all relating to abortions
13	generally and requiring notice of an abortion to be provided
14	to the father of the unborn child.
15	Be it enacted by the Legislature of West Virginia:
16	That the Code of West Virginia, 1931, as amended, be amended
17	by adding thereto a new article, designated §16-2L-1, §16-2L-2,
18	16-2L-3, $16-2L-4$ and $16-2L-5$ , all to read as follows:
19	ARTICLE 2L. NOTIFICATION OF FATHER WHEN ABORTION IS PERFORMED.
20	<u>§16-2L-1. Legislative findings and intent.</u>
21	The Legislature finds that the immediate and long-range
22	consequences of an abortion requires that physicians ensure that
23	the father of the unborn child is notified of the proposed

1

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

## 12 §16-2L-3. Requirement waived.

# 13 <u>This requirement shall be waived if:</u>

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

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

2

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

#### 3 §16-2L-4. Abortion generally.

<u>Nothing in this article endorses, allows, permits or approves</u>
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.

3