

AMENDMENT NO. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 1274*

House Bill No. 766

by deleting the directory and amendatory language of Section 1, added by Amendment No. 1,
and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is
amended by adding the following language as a new, appropriately designated section:

Section _____. (a) For purposes of this section, unless the context
otherwise requires:

(1) "Partial-birth abortion" means an abortion in which the person
performing the abortion partially vaginally delivers a living fetus before
killing the fetus and completing the delivery.

(2) "Vaginally delivers a living fetus before killing the fetus" means
deliberately and intentionally delivers into the vagina a living fetus, or a
substantial portion thereof, for the purpose of performing a procedure the
physician knows will kill the fetus, and kills the fetus.

(b) No person shall knowingly perform a partial-birth abortion.

(c) Subsection (b) shall not apply to a partial-birth abortion that is
necessary to save the life of the mother whose life is endangered by a physical
disorder, illness, or injury.

(d)(1) A defendant accused of an offense under this section may seek a
hearing before the state medical board which licenses the physician, on whether
the physician's conduct was necessary to save the life of the mother whose life
was endangered by a physical disorder, illness or injury.

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(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than thirty (30) days to permit such a hearing to take place.

(e) (1) Performance of a partial-birth abortion in knowing or reckless violation of this act shall be a Class C felony.

(2) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this act for violating this act, or any provision thereof, or for conspiracy to violate this act or any provision thereof.

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