

BILL ANALYSIS

H.B. 4526
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the current penalty for performing certain prohibited abortions is inadequate and that a next friend should be allowed to bring an action for damages relating to violations of those prohibitions. H.B. 4526 seeks to make a person who performs such an abortion liable to the state for a \$30,000 civil penalty for each violation and to authorize a next friend to bring an action for related damages.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4526 amends the Civil Practice and Remedies Code to make a person or physician, as applicable, liable for damages arising from doing any of the following in violation of the Health and Safety Code:

- intentionally or knowingly performing a third-trimester abortion of a viable unborn child;
- performing, inducing, or attempting to perform or induce an abortion without attempting to determine or rely on another physician's determination of the post-fertilization age of the unborn child;
- performing, inducing, or attempting to perform or induce an abortion of an unborn child determined to probably be 20 or more weeks post-fertilization;
- knowingly performing a partial-birth abortion; or
- intentionally performing a dismemberment abortion that is not necessary in a medical emergency.

The bill authorizes a next friend to bring an action for those damages.

H.B. 4526 amends the Health and Safety Code to impose a civil penalty of \$30,000 on a person for each such violation. The bill authorizes the attorney general to sue to collect the penalty and sets out provisions relating to venue and the attorney general's recovery of reasonable expenses in such an action.

EFFECTIVE DATE

September 1, 2019.