



State Legislators Are No Longer Trying To Hide The Ultimate Goal Of The Anti-Choice Movement: To Criminalize Women For Having Abortions

In a recent cascade of extreme anti-choice bills in the states, anti-choice state legislators have become far bolder about their intent to criminalize women who have abortions and doctors who provide care. Once a position only acknowledged by fringe anti-choice activists, state legislators are now openly admitting they want to punish women and are taking steps all across the country to make that criminalization law. Anti-choice politicians have also continued to seek punishment for doctors who perform abortions, including jail time. They are only emboldened by Donald Trump -- who said women deserve “some form of punishment” for abortion-- and Mike Pence-- who said “we’ll see Roe v. Wade consigned to the ash heap of history where it belongs.”

State Legislators Are Openly Working To Criminalize Abortion And Punish Women For Having Abortions

In Texas, HB 896 would define abortion as homicide, making women who obtain abortion subject to the death penalty per Texas' penal code.

- The bill includes the death penalty for women, which anti-choice legislators and supporters made very clear during debate around the bill, which focused on the death penalty as a potential punishment.
- This bill would establish personhood in Texas by defining "a living human child" from the moment of fertilization and would grant all rights of living children to fertilized eggs.
- This bill would also specifically apply personhood to IVF and other assisted reproduction and could ban some of the most common forms of contraception.

The bill's sponsor, Rep. Tony Tinderholt, first introduced the bill in 2017, saying it would “force” women to be “more personally responsible” with sex. Tinderholt said that if passed, the bill would reduce the number of pregnancies “when they know that there’s repercussions.” Tinderholt added, “Right now, it’s real easy. Right now, they don’t make it important to be personally responsible because they know that they have a backup of ‘oh, I can just go get an abortion.’ Now, we both know that consenting adults don’t always think smartly sometimes. But consenting adults need to also consider the repercussions of the sexual relationship that they’re gonna have, which is a child.” [Observer, [1/23/17](#)]

Tinderholt defended his bill's classification of abortion as homicide, claiming he was “equalizing the law.” Tinderholt said, “I think it’s important to remember that if a drunk driver kills

a pregnant woman, they get charged twice. If you murder a pregnant woman, you get charged twice. So I'm not specifically criminalizing women. What I'm doing is equalizing the law." [Fox 5, [4/10/19](#)]

Jim Baxa, an anti-choice advocacy leader, supported the bill because of his belief that a woman who has an abortion “should be charged with murder.” Baxa, president of West Texans for Life said, "Roe v. Wade is unconstitutional. And the 10th Amendment puts it to you all to stand up to that tyranny and do what's right." Baxa added, "A woman who has committed murder should be charged with murder." Baxa said HB 896 was West Texans for Life's "number one priority." [Washington Post, [4/10/19](#)]

In Missouri, the sponsor of HB 126 defended his inclusion of zero rape and incest exceptions by blaming, shaming, and questioning the honesty of women who obtain abortions.

- This bill includes a trigger ban to outlaw abortion if *Roe* is gutted or overturned and bans at 8 weeks, 14 weeks, 18 weeks, 21 weeks, and includes parental notification.
- The bill includes criminalization of doctors with a sentence of 5-15 years and the revocation of their license. The bill states that women will not be charged with conspiracy to violate the law but leaves open the possibility of prosecution.

AUDIO: The bill’s primary sponsor Rep. Nick Schroer justified HB 126’s lack of rape or incest exceptions by claiming that women would lie about being raped so they could obtain an abortion. On the same podcast, Schroer said, "if someone is at 40 weeks with that exception, that would have, then put into this bill, that would have allowed someone to, as long as they signed a document that said 'I believe that this was, this baby was conceived out of rape or incest,' they could have aborted that baby at any point." [St. Louis Public Radio, [3/1/19](#)]

Schroer dismissed the argument that many women do not know they are pregnant at 6 weeks, saying that women have to accept “a certain responsibility” when they have sex. On the same podcast, Schroer said, "...there are situations where, it's a mistake, or the birth control doesn't work, but I think there has to be a certain responsibility, that you have to know, this can lead to life, and once that life is tapped into by form of seeing there is a heartbeat, seeing there is a brain function, seeing this body is fully formed, this is the beginning of life." [St. Louis Public Radio, [3/1/19](#)]

AUDIO: Schroer dismissed claims that women will die from illegal abortions if Roe is overturned and said that a woman could obtain an abortion in a post-Roe America if she “truly wanted to.” On a St. Louis Public Radio podcast, Schroer said, "[T]here are statistics out there that show the amount of women that actually die because of illegal abortions prior to *Roe v. Wade*, that number has skyrocketed since, with women actually dying more with legal abortions. So I think that's a fallacy, I think that if this state is enacting some sort of prohibition, or if *Roe v. Wade* were to be overturned, there are still other ways that you could, if you truly wanted to, obtain an abortion..." [St. Louis Public Radio, [3/1/19](#)]

State Legislators Are Also Criminalizing Doctors For Providing Abortions

Anti-choice activists often deflect from the issue of criminalizing women by demonizing and threatening to criminalize doctors. This extreme measure, which could deter providers from practicing in states in desperate need of expanded healthcare access, is highly visible in the current round of legislation.

In Alabama, HB 314 would sentence doctors up to 99 years in jail for providing abortions.

- This bill would ban abortion in the state, even in the case of rape or incest.
- The bill states it will not make pregnant women criminally or civilly liable but it may subject women to **investigation** following a miscarriage if they are suspected of having obtained an abortion (in an effort to identify and prosecute doctors.)
- The bill would sentence doctors to up to 99 years in jail.

The bill's primary sponsor, Rep. Terri Collins, said that the bill "simply criminalizes abortion." Collins said, "It is meant to actually use some of the same language that is addressed in Roe vs. Wade. So, hopefully it just completely takes it all the way to the Supreme Court eventually to overturn." [AL.com, [4/2/19](#)]

In Missouri, HB 126 also created penalties, including jail time, for doctors who perform abortions.

When asked about criminal penalties, the bill's sponsor Rep. Nick Schroer said there would be "punishments such as fines." Schroer said, "I believe in the heartbeat bill...there would be punishments such as fines and taking away the license of the physician who is doing this." Since the bill names abortion as a Class B felony, Schroer saying that there would be "punishments such as fines" downplays the actual consequence— jail time. [St. Louis Public Radio, [3/1/19](#); LegiScan, accessed [4/11/19](#); Missouri Legislature, accessed [4/11/19](#)]

In Ohio, SB 23 created criminal punishments for abortion providers, including jail time.

- The bill banned abortion before many women know they are pregnant with no exceptions for victims of rape or incest.
- Under the bill, "Doctors or anyone who performs an abortion either after a heartbeat is detected or if they fail to do an ultrasound to detect a heartbeat would face a fifth-degree felony, punishable with six to 12 months behind bars and a \$2,500 court fine." Doctors would also face revocation or suspension of their medical licenses and a \$20,000 Medical Board fine. [Cleveland.com, [4/9/19](#)]

SB 23's lead sponsor State Senator Kristina Roegner defended the lack of exceptions for victims of rape and incest in the abortion ban. LifeSite News reported that bill passage "It followed an 8-4 vote from the Senate Health Committee the day before, during which Democrat state Sen. Nickie Antonio tried and failed to add rape and incest exceptions... 'How a human is conceived doesn't make it any more or less human,' Roegner argued in response to calls for rape or incest exceptions." [LifeSite News, [3/14/19](#); Senate Bill 23, accessed [4/12/19](#)]

SB 23 co-sponsor State Rep. Ron Hood previously sponsored an abortion ban that would have brought criminal charges against women receiving abortions, including possible “murder charges that could carry life in prison or even death penalty specifications.” The 2018 bill, HB 565, also did not include exceptions for “rape, incest or for pregnancies that threaten the health of the mother” and created criminal penalties for abortion providers. Rep. Hood “made it clear that HB 565” was aimed at taking down *Roe v. Wade*. Announcing the bill, Reps. Hood and Nino Vitale wrote “The *intent* of the bill is that abortionists will be prosecuted for performing abortions.” [Clevescene.com, [11/20/18](#); NPR, [3/20/18](#); Ohio House of Representatives press release, [3/23/18](#); The Hill, [2/12/19](#)]